
(2004) 03 PAT CK 0082
In the Patna High Court
Case No : C.W.J.C. No. 12085 of 2000

Ramjee Singh

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 26-03-2004

Acts Referred:

Citation : (2004) 3 PLJR 311

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : Ashok Kumar Pandey, for the Appellant; JC to SC 10 for State, for the Respondent

Final Decision : Dismissed

Judgement

Narayan Roy, J.—Heard counsel for the parties.

2. The Petitioner prays for issuance of direction upon the Respondents to make payment of his salary for the period he has actually worked as Dafadar under the Respondents concerned.

3. It is submitted by learned Counsel for the Petitioner that by virtue of the order as contained in annexure-2, the Petitioner was appointed on the post of Dafadar with effect from 29.3.1991 by the Sub-divisional Officer, Sasaram and thereafter he worked up till 1995, but his admissible salary has not been paid to him.

4. A counter affidavit has been filed on behalf of the Respondent State stating therein, inter alia, that the Collector of the District is the appointing authority of the Dafadars, and, therefore, his engagement, if any, by virtue of the order passed by the Sub-divisional Officer is illegal and wholly without jurisdiction.

5. It is not the case of the Petitioner that his appointment has ever been approved by the Collector of the District on the post of Dafadar.

6. The claim of the Petitioner, in this view of the matter, is not admissible in law and even assuming that the Petitioner has worked for some time as Dafadar, that

will not confer any right upon him to get the salary.

7. For the reasons aforementioned, herefore, it would not be appropriate for his Court to issue any direction to the Respondent authorities for payment of salary to the Petitioner. However, in case, the Petitioner actually had worked, as claimed by him under a particular police officer, he may claim for the wages from that officer in accordance with law.

8. With the direction/observation afore-aid, this application is, "accordingly, dismissed.