

(2006) 04 PAT CK 0071
In the Patna High Court
Case No : CWJC No. 8898 of 2004

Upendra Paswan and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 18-04-2006

Acts Referred:

Citation : (2006) 3 PLJR 439

Hon'ble Judges : Barin Ghosh, J

Bench : Single Bench

Advocate : Pramod Mishra and Vijay Kumar Mukul, for the Appellant;

Final Decision : Allowed

Judgement

Barin Ghosh, J.—No one is appearing on behalf of the respondents despite service. By Annexure-1 to the writ Petition, it has been held out to the petitioners that the salaries payable to the petitioners cannot be paid in view of non-availability of grant by the State Government. The petitioners are Secretaries of the Gram Panchayat, who had been originally appointed as Panchayat Sewak and later on converted to the post of Panchayat Secretary. In terms of the mandate of the statute, every Panchayat is required to have one Panchayat Secretary to be appointed by the State Government and the salaries payable to them is to be paid by the State Government or the State Government must arrange and ensure payment of such salaries. In such view of the matter, on the plea of non-availability of fund the salaries payable to the petitioners cannot be withheld.

2. In those circumstances, the writ petition is allowed with a direction upon the respondents No. 1 and 2 to ensure payment of the salaries of the petitioners for the period 1st July, 1999 to 31st March, 2001 as quickly as possible but not" later than three months from the date of service of a copy of this order upon the Respondent No. 2. This disposes of the writ petition.