

Kanchan Kumar Sinha and ors. Vs. State of Bihar and ors.

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Court : Patna

Decided On : Dec-02-2003

Judge : Narayan Roy, J.

Acts : Service Law

Appeal No. : CWJC No. 9786 of 1998

Appellant : Kanchan Kumar Sinha and ors.

Respondent : State of Bihar and ors.

Advocate for Def. : JC to SC 4

Advocate for Pet/Ap. : Gyanand Roy, Adv.

Disposition : Application dismissed

Judgement :

Narayan Roy, J.

1. Heard counsel for the parties.

2. By this application, the petitioners seek direction upon the respondents to issue orders for granting post facto approval of extension of Token Unemployment Scheme for the financial years 1996-97 1997-98 and 1998-1999.

3. It is submitted by learned counsel appearing on behalf of the petitioners that the petitioners are continuing under the scheme aforesaid for 12 years and from time to time, token payment is made to them. It is further submitted that the petitioners have got their salary up to February 2003 and thereafter, it is not being paid to them. It is also submitted by learned counsel appearing on behalf of the petitioners that since the Token Unemployment Scheme continued for several years and necessary payments were made to the petitioners, regular payment should be made to them.

4. A counter affidavit and also rejoinder to reply to the counter affidavit have been filed on behalf of the respondents.

5. In sum and substance, it is stated in the counter affidavit that the scheme is continuing and the petitioners have been paid their salary upto February 2003 and the matter has again been considered by the Cabinet Sub-Committee, Government of Bihar to give new lease of life to the scheme in question. It is also stated that final decision will be taken at the highest level and only thereafter payment of salary to the petitioner will arise.

6. So far non-payment of salary to the petitioners after February 2003 is concerned, it is stated that the scheme has not yet been finalised by the Government, and, therefore, necessary payment for the financial year 2003-2004 cannot be made to the petitioners.

7. It is true that the petitioners have continued under the scheme for several years and till date they are continuing. It is not in dispute that admissible salary has been paid to them upto February 2003 and there is no denial of the fact that on survival of the scheme aforesaid, the petitioners will be paid their due salary.

8. Since the scheme aforesaid has continued for several years and as per the averments made in the counter affidavit, the same should be made permanent in public interest, as several persons have been engaged under the scheme the State authorities, in that view of the matter, are directed to take final decision in the matter about the survival of the scheme aforesaid and accord necessary sanction for payment of admissible salary to the petitioners for the financial year 2003-04

within a period of three months from the date of receipt/production of a copy of this order.

With the direction/observation made above, this application is disposed of.

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