

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1236 of 1999

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Pramod Kumar Tiwari son of late Rajkeshwar Tiwri resident of Mohalla Sulimanganj, Town and P.S. Sasaram, District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna.
2. The District Magistrate, Sasaram.
3. The Special Officer, Municipality, Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. R.K.Shukla

For the Respondent/s : Mr. Manoj Kumar Jha, A.C. to G.P. 20

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

6 20-03-2015

The petitioner was appointed as a lower division Clerk by Sasaram Municipality on compassionate ground. A disciplinary proceeding was initiated against him and he was placed under suspension in the month of July, 1997. On 19.07.1997 the disciplinary authority dismissed the petitioner from service. However, two months thereafter the petitioner was re-appointed by the Municipality on the eve of Golden Jubilee of India Independence Day.

This writ application has been filed with a prayer to direct the respondents to pay his salary for the period between June 1997 and February, 1998.

Heard learned counsel for the petitioner.

The petitioner was dismissed from service on

disciplinary ground on 19.07.1997 and he was re-appointed in September, 1997. Therefore, the question of the respondents being required to pay salary to the petitioner during the period the petitioner was under suspension does not arise. However, if the petitioner had joined duty on being re-appointed, the respondents are under obligation to pay his salary for the period he has worked. This is a matter for verification from the record.

Therefore, this writ petition is disposed of with a direction to the respondents that on verification from the record, if it is found that the petitioner had re-joined his duty in September, 1997 and worked upto February, 1998, he shall be paid his salary for those period provided he has put in proper attendance. An order in this behalf, after due verification, shall be passed by the Municipality concerned within a period of two months from the date of receipt/production of a copy of this order.

(L. Narasimha Reddy,CJ)

Amin/-

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