

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5720 of 2015

Arun Kumar, son of Shri Krishna Deo Mahto, resident of Mohalla Aam Gola Pokhar, Lane No. 2, P.S. Kazi Mohammadpur, District-Muzaffarpur, at present posted as Executive Magistrate, Sub-Division Office, Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Revenue and Land Reforms Department, Old Secretariat, Bihar, Patna.
2. The District Magistrate-cum-Collector, District Rohtas, Sasaram.
3. The Sub-Divisional Officer, Buxar.
4. The Block Development Officer, Bikramganj, Rohtas.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Sr. Advocate
Mr. Manish Chandra Gandhi

For the Respondent/s: Mr. A N SINHA, G P 11

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 01-10-2015

Petitioner filed the writ application because he was not getting his salary due to certain advances shown against him in the LPC, after his transfer. Many a things have been said in the writ application as to how that advance is a mischief done by certain authorities including the Nazir of the Block and because of the same petitioner is going without salary since November, 2013.

Looking at the nature of the controversy, the Court directed the District Magistrate, Rohtas at Sasaram to hold an enquiry into the matter and file an affidavit, based on the outcome thereof as to why petitioner is being harassed in the manner pleaded in the writ

application.

The enquiry of the District Magistrate dated 22.9.2015, which is Annexure-B to the counter affidavit, reveals another side of the story. The complexity of the petitioner and the Nazir in depriving the State of a money amounting to Rs.78,800/- by no proper accounting, authorization or explanation for various withdrawals over period of time is apparent and, therefore, it can also be a case of defalcation.

The District authorities are competent enough to take care of what is required to be done with the petitioner or the Nazir on the basis of the input and report, contained in Annexure-B.

Learned senior counsel for the petitioner takes the line of least resistance and submits that if this amount is deducted from his due in the head of salary, at least he will get salary for the rest of the period and current period.

It goes without saying that the respondent authorities will adjust Rs.78, 800/- from the salary of the petitioner without prejudice to the right of the petitioner and the final outcome of whatever exercise is done in furtherance to Annexure-B.

Writ application is disposed of with a direction upon the respondent authorities that after making the necessary deduction of Rs.78, 800/-, the balance and the current salary of the petitioner will

be paid. It must be done within a period of eight weeks from the date production of a copy of this order.

Writ application stands disposed of with above direction.

(Ajay Kumar Tripathi, J)

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