

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.137 of 2014

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1. Satya Deo Dwivedi Son Of Late Namdeo Dwivedi Resident Of Mohalla-
Karailiya, P.S. + P.O.- Barh, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Water Resources Department, Govt. Of Bihar, Patna
3. The Chief Engineer, Water Resources Department, Purnea
4. The Superintending Engineer, Mahananda Flood Control Circle, Katihar
5. The Executive Engineer, Flood Control Division, Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi

For the Respondent/s : Mr. A.K.Upadhaya, SC 20

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 02-02-2015

Petitioner has now assailed Annexure- 9. This is an order dated 7.10.2013 passed by the Principal Secretary, Water Resources Department- cum- Appellate Authority. The issue in question is payment of salary to the petitioner for the period 22.4.2010 to 31.12.2011. This period is significant in the sense that on 21.4.2010 petitioner gave an application for voluntary retirement, which was accepted with effect from 31.12.2011. Even in the previous writ application, petitioner had prayed for a direction for payment of salary for this period because till his application for voluntary retirement has been accepted he would be treated to be on duty. The claim of the petitioner was ordered to be examined by the

Principal Secretary, Water Resources Department. Petitioner appeared in person. He was given ample opportunity along with appearance of respondent authorities. Evidence of attendance of the petitioner was also produced. There is clear evidence of absence of the petitioner from duty.

The Court was willing to give further indulgence to the petitioner provided there would have been evidence even in the writ application to belie the finding given by the Principal Secretary but in absence of any such evidence, no direction can be issued for payment of salary to the petitioner for the period 22.4.2010 to 31.12.2011. The attendance register clearly indicates that there is no interpolation after tendering of the application for voluntary retirement.

The finding being what they are is not required to be interfered with. Writ application is dismissed.

(Ajay Kumar Tripathi, J)

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