

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13320 of 2015

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1. Shaligram Choudhary son of Late Upendra Chaudhary, at present resident of New Alkapuri, P.S. Gardanibagh, permanent resident of Pindaruch, P.O. + P.S. - Kamtoul, District - Darbhanga.

.... Petitioner/s

Versus

1. The Bihar Agriculture University through Vice Chancellor having his office at Sabour, District - Bhagalpur.
2. The Director Administration Agriculture University having his office at Sabour, District - Bhagalpur.
3. The Regional Director Agriculture Research Institute, P.S. Jakkanpur, District - Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikas Mohan

For the Respondent/s: Mr. Chandra Mohan Singh

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 26-11-2015

Petitioner will file a clear and categorical application before the Director Administration, Bihar Agriculture University, Sabour, Bhagalpur, with regard to the grievance he has raised in the present writ application.

The Court fails to appreciate as to why salary of the petitioner would be stopped. If the petitioner has over-stayed the accommodation initially allotted to him, then at best the respondents could have done to deduct the regular and penal rent, which has been worked out or had been worked out against the petitioner but that cannot be the ground for withholding the salary of the petitioner indefinitely.

On such an application being filed, the Director Administration will decide the liability of the petitioner against the occupation of the allotted accommodation at Patna, adjust the amount from the salary which is payable to him from the date it was stopped. The payment of balance amount will be made over to the petitioner. All this must be done within a period of eight weeks from the date of such application along with a copy of this order.

Yet another contention of the counsel for the petitioner is that even the increment has not been added to the salary.

In the opinion of the Court, it is a misplaced kind of submission because if salary has not been paid and calculation has not been done, there may not have been an occasion to grant entitlement of increment etc. All that will surely be taken into consideration when the payment after deduction under the head of salary is worked out within the time-frame indicated above.

Writ application is disposed of with the above observation/direction.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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