

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4932 of 2014

In

Miscellaneous Jurisdiction Case No. 3077 of 2012

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Shashi Kant Rai son of Late Shikv Prasad Rai @ Swami Nath Rai resident of village - Amurupur, P.S. Bhawarkol, District Gazipur , presently working as Store Keeper, Durgawati Left Bank Canal Division, Bhitri Bandh, Water Resources Department, Government of Bihar, Patna. Petitioner/s

Versus

1. The State of Bihar.
 2. Shri Devi Rajak, the Engineering-in-Chief (Central), Water Resources Department, Government of Bihar, Patna.
 3. Shri Braj Kishore Rajak, the Superintending Engineer, Flood Control Circle, Patna.
 4. Shri Aditya Narayan Jha @ Annal, the Executive Engineer, Sone Canal Division, Water Resources Department, Buxar. Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan

For the Respondent/s : Mr. Arvind Kumar No. 2 (SC 17)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

9 22-09-2015

Heard the parties.

This application has been filed for modification and recalling of the order dated 5th March 2014 passed in MJC No. 3077 of 2012 by which the application has been disposed of on the basis of statement made by the opposite parties that the joining of the petitioner has been accepted and arrears of salary has already been paid, but during the argument it was stated that this statement has been recorded on the basis of wrong and false statement made before the Court.

Show cause on behalf of opposite parties has been filed, the paragraphs 6, 7, 8 and 9 are as follows:-



6. That it is submitted that the instant MJC No. 4932 of 2014 has been filed on the basis of the office order dated 03.02.2014 of Executive Engineer, Sone Canal Division, Buxar. It is further submitted that after issuing the office order 03.02.2014 a modified office order was also issued and that is the 'annexure' A' of the show cause sworn on 17.03.2015.

7. That it is further submitted and stated that after the direction of the Hon'ble Court dated 03.08.2015 in instant MJC petition no. 4932 of 2014, the answering deponent took the necessary steps so that the order 03.08.2015 in MJC 4932 and the order dated 09.09.2011 passed in CWJC No. 5937 of 2010 could be complied with and in sequence of this, vide departmental order dated 06.08.2015, contained its number 1019 the Chief Engineer, Dehari was asked to submit his report which was submitted in the office of the answering department on 19.08.2015 vide letter no. 2331.

8. That it is submitted that it appears from the records that by the show cause filed in MJC No. 3077 of 2012 it was stated that all arrears of the petitioner

have already been paid and nothing pending for payment. But it appears that it was not brought into the notice to the Hon'ble Court that the petitioner has not been paid any amount of the period of his unauthorized absence.

9. That it is further submitted that by the order of the Chief Engineer dated 19.08.2015 vide memo no. 2330, the period of the unauthorized absence of (788 days) the petitioner has been converted/adjusted as "Asadharan Awakash", In the light of the rule 236 of the Bihar Service Code.

In view of the aforesaid statement, this Court does not find any purpose to continue this proceeding.

Accordingly, this application is dismissed.

(Shivaji Pandey, J)

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