

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5356 of 2015

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Ashutosh Sharan son of Late Ram Narayan Sharan resident of Flat no.102, Shambhavi Residency, Jagadamba Path, North Sri Krishnapuri, P.S. Shrikrishnapuri, District -Patna present posted as District Welfare Officer, Gaya Collectorate, Gaya, District-Gaya

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Deptt. Of Scheduled Castes and Scheduled Tribes Welfare, Govt. of Bihar, Patna.
2. The Secretary, Deptt. Of Scheduled Castes and Scheduled Tribes Welfare Deptt., Patna
3. The Director Scheduled Castes and Scheduled Tribes, Patna.
4. The Under Secretary, Dept. of Deptt. Of Scheduled Castes and Scheduled Tribes Welfare Deptt., Patna
5. The District Magistrate, Gaya.
6. Mritunjay Narayan Singh, District Welfare Officer (incharge) Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Respondent/s : Mr. Ram Balak Mahto, AG

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 17-07-2015

Heard learned counsel for the parties.

Having regard to the fact that the petitioner had complied the transfer order and, thereafter, the respondents came to stay such transfer by directing the respondent no.6 to revert back in the transferred post of the petitioner and consequently, kept the petitioner waiting for posting till recently when he has been now transferred to Saharsa by order dated 1.7.2015 directing the petitioner to join at the transferred place on 1.7.2015, the apprehension of the petitioner that the salary will not be paid in

the interregnum period seems to be wholly misplaced.

Once the petitioner was found to have complied the order of transfer and that transfer order was stayed at the behest of the respondent no.6 and the petitioner was, thereafter, kept waiting for posting till his fresh order of posting on 1.7.2015, there would be no question of his being denied payment of salary for the interregnum period.

That being so, if the petitioner joins at Saharsa, his payment of salary for the interregnum period shall be made after making due verification from the earlier place where the petitioner was kept waiting for posting.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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