

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6322 of 2015

=====

1. Shashi Kant Kumar Singh Son of Late Bhuneswar Singh, Resident of Village - Belkunda, P.S. - Kishunpur, District -Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Block Development Officer, Ekma.
3. District Magistrate, Saran at Chapra.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Respondent/s : Mr. Rajiv Kumar, AC to GA 5

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 07-10-2015

Petitioner has filed this writ application for a direction for payment of his salary for the varied periods, which have been indicated in paragraph 1 of the writ application. He was appointed on compassionate ground on the post of a clerk on 30.11.1993 in the office of the Collector, Saran. At present, he is posted as a clerk in the office of Block Development Officer, Ekma in the district of Saran.

State authorities have filed a counter affidavit as to why the petitioner cannot get his salary. The counter affidavit reveals another part of the story. The Court does not want to record in detail what has been indicated therein and if what has been alleged is correct then obviously petitioner seems to be a law by himself and the reason for non- grant of salary is attributable to him. Counsel for the

petitioner thereafter submits that it is a motivated kind of counter affidavit making malicious allegation against the petitioner without any basis.

The Court would have agreed with such assertion if the corresponding supporting evidence was not annexed with the counter affidavit.

In the above controversial circumstances, the Court is left with no option but to direct the District Magistrate, Saran at Chapra that he will get an inquiry conducted into the matter independently and then if what has been alleged against the petitioner is found to be true then a regular departmental enquiry should be initiated and appropriate orders on the outcome thereof would be required to be passed. If not, a direction is required to be issued for payment of salary for the period he has rendered service.

Let such an exercise be completed within a period of four months from the date of production of a copy of this order.

Writ is disposed of with the above direction.

(Ajay Kumar Tripathi, J)

sk

U			
---	--	--	--