

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11761 of 2007

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Vijay Kumar Tiwary @ Vijay Tiwary, son of Sri Sarju Tiwary, resident of
Village – Karath, Police Station – Tarari, District – Bhojpur.

.... Petitioner

Versus

1. The State of Bihar through the Home Secretary, Home Department (Police), Government of Bihar, Patna.
2. The Home Secretary, Home Department (Police) Government of Bihar, Patna.
3. The District Magistrate, Bhojpur at Ara.
4. The Superintendent of Police, Bhojpur at Ara.
5. The Circle Officer, Tarari, Police Station – Tarari, District – Bhojpur.
6. The Officer-in-Charge, Tarari Police Station, District – Bhojpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Tiwary

For the Respondent/s : AC to Addl. Advocate General - 13

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

12. 09-07-2015

Heard Sri Rakesh Kumar Tiwary, learned counsel

for the petitioner and learned A.C. to Addl. Advocate General –

13.

The petitioner, who is Chowkidar posted in Tarari Block, has approached this Court invoking its writ jurisdiction under Article 226 of the Constitution of India with a prayer to direct the respondents to make payment of his salary for the period between May, 2006 to September, 2006 and from 14-10-2006 to 10-09-2012.

It has been argued by learned counsel for the petitioner that since the petitioner was suffering with a



disease Jaundice, he sent application for grant of medical leave and he proceeded on leave. He submits that after the petitioner recovered from illness, he approached the Tarari Police Station on 30-09-2006 to give his joining, which was accepted, however; the petitioner was prevented from putting his attendance and for a long period i.e. from 14-10-2006 to 10-09-2012, no salary was paid to the petitioner. Subsequently, his joining was again accepted on 10-09-2012. After his re-joining i.e. from 10-09-2012, the petitioner is regularly getting salary, however; for the period, as indicated above, he has not been paid salary.

Learned counsel for the State has raised objection that before approaching this Court, the petitioner by way of filing representation has not demanded justice.

Keeping in view the fact that the petitioner is a Class – IV employee (Chowkidar) and he has claimed salary for the period, as indicated above, on the ground of ailment, the writ petition can be disposed of granting liberty to the petitioner to file a detailed representation before the respondent no. 5 within a period of six weeks from today giving details with all relevant documents. If within aforesaid time, such representation is filed, the respondent no. 5 is

required to examine the same and pass appropriate order in accordance with law. If respondent no. 5 considers that there is no hindrance in clearing the due salary, he may pass appropriate order and ensure payment of the claimed salary to the petitioner within a period of three months thereafter. If in case of refusal, the respondent no. 5 is required to pass a reasoned order and communicate to the petitioner within aforesaid fixed time.

With above observation and direction, the writ petition stands disposed of.

(Rakesh Kumar, J.)

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