

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7949 of 2014

With
Interlocutory Application No.9047 of 2014

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Kumar Mitra son of Shri Raj Kumar Mandal village and Post- Belhi, P.S.-
Marauna, District- Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Minor Irrigation Department, Govt. of Bihar, Patna
3. The Engineer-in-Chief, Technical Investigation Cell, Vigilance
Department, Govt. of Bihar, Patna
4. The Chief Engineer (North) Minor Irrigation Department, Muzaffarpur
5. The Executive Engineer, Minor Irrigation Division, Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav

For the Respondent/s : Mr. P.N.Sharma, AC to AG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 07-01-2015

Heard the parties.

The petitioner has filed the present writ petition with twin prayers; firstly directing the respondents to relieve him forthwith pursuant to his transfer vide order contained in Memo No. 575 dated 29.06.2013 (Annexure-5) and secondly for a direction to the respondents to make payment of his arrears of salary from August, 2013.

A counter-affidavit has been filed on behalf of the respondent no. 5 stating there in paragraph-7 that in compliance of the aforesaid order of transfer dated 29.06.2013 (Annexure-5), the petitioner has already been relieved by order dated 27.06.2014 (Annexure- C to the counter-affidavit) and his grievance has been redressed.

The facts stated in the aforesaid counter-affidavit are not being disputed by the learned counsel appearing on behalf of the petitioner. In that view of the matter, the present writ

petition with respect to relief no.1 has become infructuous and is, accordingly, dismissed to that extent.

However, so far the relief no.2 regarding payment of salary of the petitioner from August, 2013 is concerned, this Court is of the opinion that the interest of justice shall be sub-served if the petitioner is granted liberty to file a representation with all supporting documents before the respondent no.4 within a maximum period of one month from today. It is ordered accordingly.

If such a representation is filed on behalf of the petitioner within the time prescribed with a certified copy of the present order, then the respondent no.4 shall be obliged to consider and decide the claims of the petitioner by a reasoned and speaking order at an early date preferably within a maximum period of one month from the date of filing of such representation by the petitioner.

If on consideration of the materials the respondent no. 4 or any other competent authority of the respondent State comes to a conclusion that claims raised on behalf of the petitioner are admissible to him, then consequential order shall also be issued for grant of such admissible claims without any unnecessary further delay.

The writ petition stands finally disposed of with the observations and directions made above. I.A. No.9047 of 2014 is accordingly disposed of

(Birendra Prasad Verma, J)

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