

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3990 of 2015

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1. Mukesh Kumar Singh Son of Ajab Narayan Singh resident of village -
Jasparahan, Post office Milki Chaubaje, Police Station - Tisaut, District -
Vaishali at Hajipur

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Vaishali at Hajipur
3. The Superintendent of Police, Vaishali at Hajipur
4. The Circle officer Patepur, District Vaishali at Hajipur
5. The officer - in - Charge of Tisaut Police Station, Anchal - Patepur,
District - Vaishali at Hajipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sumit Kumar

For the Respondent/s : Mr. Pandey S Sahay

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR
TRIPATHI
ORAL ORDER

4 27-04-2015 The problem that the petitioner is facing is because of his indiscretion. He was made an accused in a criminal case filed against him and taken in judicial custody on 20.11.2013. He was granted bail on 13.12.2013 and after some period of absence, the petitioner shows up and gives a joining.

No information was initially given by the petitioner as to the fact that he has gone in judicial custody. Obviously on return of the petitioner, the problem arose as to what is to be done for the period of absence before any claim for payment of salary could be entertained.

Now, that the facts are no longer in controversy, let the Deputy Collector, Administration, Vaishali take a decision with regard to the period of absence of the petitioner and the question of payment of salary after his joining within a period of three months from the date of receipt/production of a copy of this order. The period the petitioner has remained in custody or the period he absented himself without any sanction of leave cannot form block for which payment of salary is required to be made at this stage. That has to be dealt with in accordance with the prevalent rules in this regard.

This writ application is disposed of with the observation aforesaid.

(Ajay Kumar Tripathi, J)

Amin/-

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