

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.5096 of 2011

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Harihar Giri S/o Late Kali Charan Giri, resident of village - Manpur
(Pahari), Bahadur Gir, Police Station - Buniyadganj, District – Gaya.

.... Petitioner/s

Versus

1. The State of Bihar,
2. Mr. Sati Shekhar Sharma, the Secretary, Department of Urban Development, Govt. of Bihar, Patna
3. Mr. Arbind Kumar Singh, the Joint Secretary, Urban Development, Govt. of Bihar, Patna
4. Mr. Vivek Kumar Singh, the Commissioner, Gaya Division , Gaya
5. Mrs. Vandana Preyasi, the District Magistrate, Gaya
6. Mr. Ashok Kumar Singh, the Executive Officer, Water Board, Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh

For the Respondent/s : Mr. Rajiv Roy Gp5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

9 11-05-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the Executive Officer, Water Board, Gaya (Respondent no. 6) has filed the show cause, in paragraph 5, he has mentioned about the payment of Rs.2,78,655/- to the petitioner showing his entitlement of Rs.2,85,505/- which has been bifurcated in different sub-head such as Gratuity, Earned Leave, Provident Fund and salary for the strike period.

The counsel for the petitioner submits that the petitioner is entitled to the salary for the work done by him as a Clerk. The issue is no longer *res integra* with regard to the

entitlement of salary of Clerk, was subject matter of CWJC No. 14478 of 2006 and the Court rejected the prayer of the petitioner.

In such view of the matter, the issue with regard to entitlement of benefit of Clerk is not permissible in law to the petitioner.

In such view of the matter, there is no need to proceed with the matter. Accordingly, this contempt petition is dropped. However, liberty is given to the petitioner, if he still feels aggrieved, he may file a representation before the authority concerned who will examine the case of the petitioner and pass reasoned order in accordance with law.

(Shivaji Pandey, J)

Mahesh/-

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