

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1802 of 2014

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Kameshwar Jha, Son of Late Bisheshwar Jha, Resident Of Village Singhia, P.O.
and Police Station Singhia, District Samastipur

.... Petitioner

Versus

1. The State of Bihar
2. The Collector-Cum-District Magistrate, Samastipur, District- Samastipur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. SANTOSH KUMAR VERMA, Adv.

For the Respondent/s : Mr. PRASHANT PRATAP, G.P.-6

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 13-03-2015

Heard learned counsel for the parties.

The greed of the petitioner refuses to die down. The Court had intervened in his favour earlier and directed the authorities to reconsider the quantum of punishment imposed. The least, which could be done, has been done after reconsideration by way of Annexure-1. Rest of the orders are acceptable to him but the order for non-payment of salary for unauthorized absence between 01.09.1992 to 16.06.1995 is the bone of contention in the present writ application.

Looking at the entirety of the charges, the allegation, the finding and the previous judicial orders a case for judicial review against the said order is not made out. Writ application is required to be dismissed because there is nothing illegal about holding that no

salary will be paid for the period of unauthorized absence. The petitioner has not worked in the aforesaid period so cannot beget salary for that period. The fact that he has been permitted to continue and superannuate and became entitled to pension should be good enough for him to care of the rest of his life, after superannuation. Since his service under the State was far from satisfactory, even this should be treated as bounty.

Writ is dismissed.

(Ajay Kumar Tripathi, J.)

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