

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16497 of 2014

=====

Laxaman Choudhary, S/o Late Ram Barai Choudhary, R/o Village - Rampur Bagicha Tola, P.O. - Kharadih, P.S. - Kargahar, District- Rohtas (Sasaram).

.... Petitioner

Versus

1. The State of Bihar, through Principal Secretary, Urban Development Department Govt. of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Rohtas (Sasaram).
3. The Executive Officer, Nagarpalika, Sasaram.

.... Respondents

=====

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar, Advocate
For the Nagar Parishad, Sasaram :		Mr. Vijay Shanker Upadhyay, Advocate
For the State	:	Mr. Asit Kumar Jha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 06-05-2016

Heard counsel for the parties.

The relief sought for by the petitioner in the present writ application does not strictly come within the ambit of post retirement dues and claims of the petitioner.

From the counter affidavit which has been filed on behalf of Nagar Parishad, Sasaram, it seems that petitioner, without any sanction and authorization, has remained absent for long period of time, for which he was put under suspension. But on furnishing explanation, he was restored back in service with a clear direction that those period will be treated to be period for “no work no pay”.

Petitioner has further resigned from the post.

Looking at the nature of relief, this Court will not pass any order in the writ application in favour of the petitioner. Even otherwise the principle of law is that resignation amounts to forfeiture of service.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

Vats/-

U			
---	--	--	--