

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7244 of 2014

Chandeshwar Prasad Singh, Son of Late Ram Parichan, resident of Village -
Muriyaro, P.S. Titwarpur, District - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna
3. The Engineer - in - chief, water Resources Department, Govt. of Bihar, Patna
4. The Chief Engineer, Minor Irrigation Department, Patna
5. The Chief Engineer, Irrigation Department, Aurangabad, Bihar
6. The Chief Engineer, Tube-well Division, Water Resources (Minor Irrigation)
Department, Sri Krishna Nagar, Patna, Bihar
7. The Chief Engineer, Water Resources Department, Birpur, Supaul
8. The Executive Engineer, Irrigation, Trivenibanj Division, Triveniganj, District -
Supaul
9. The Executive Engineer, Irrigation, Mechanical Division, Aurangabad, Bihar

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ganjendra Kumar Singh

For the Respondent/s : Mr. Shyam Kishore Sharma, GA1

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 11-04-2016

Heard learned counsel for the parties.

Annexure-19, dated 23.11.2011 is the order under challenge in the present writ application. By virtue of this decision, petitioner has been treated to be absent unauthorizedly from 23.02.1999 till 31.01.2005 the date of his retirement. This was also treated as break in service.

Petitioner was an Assistant Engineer. He superannuated on 31.01.2005. However, according to the petitioner he has not been paid his salary for the period 23.03.1999 to 31.01.2005 as well as his pension has been fixed treating his date of retirement to be

February, 1999. Petitioner raised grievance against the said decision and authorities after verifying the records have passed the order, dated 23.11.2011, which is under challenge.

The stand of the petitioner is that he was not absent, he was waiting for posting and while waiting for posting, he superannuated.

A counter affidavit has been filed on behalf of the State. They have clearly indicated that the petitioner voluntarily on his own decided not to work between 23.02.1999 till his date of superannuation. He was earlier transferred and joined on 05.02.1999, but without any prior information he disappeared. No permission or authorization of leave was granted. Either the petitioner was pre-occupied, due to his personal commitment or the posting was not to his liking.

Since the period in question is not the matter of dispute and there is no clear evidence and material to show that the prolonged six years was spent by the petitioner waiting for posting, obviously, this plea has been taken to cover up a serious omission of absence without leave and authorization.

Petitioner cannot draw advantage of his own wrong by seeking quashing of Annexure-19. The said decision has been taken and passed based on the materials available with regard to the conduct of the petitioner and his prolonged absence.

In view of the same, Annexure-19 does not require any

interference.

Writ application has no merit, it is dismissed.

(Ajay Kumar Tripathi, J)

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