

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11901 of 2013

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1. Brijnandan Prasad Singh S/O Late Narsingh Singh Resident Of Village And P.O- Pandarak (Shivalapar), P.S- Pandarak, District- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar, Through The Director General Of Police, Government Of Bihar, Patna.
2. The Director General Of Police (D.G.P), Government Of Bihar, Patna.
3. The Director General Of Police, Special Branch, Bihar, Patna.
4. The Additional Inspector General Of Police (H.Q), Bihar.
5. The Superintendent Of Police (G), Special Branch, Bihar, Patna.
6. The Superintendent Of Police, Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Madan Prasad Singh No.2

For the Respondent/s : Mr. Aditya Nath Jha, AC to SC 18

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 27-09-2016

Heard learned counsel for the petitioner and learned counsel for the State.

In the present writ petition, petitioner is seeking relief of payment of salary from 1.7.2006 to 1.9.2009 which has been rejected on the principle of no work no pay.

Petitioner was posted at Patna as Havildar in Special Branch of Police. By the competent authority vide order dated 24.6.2008 he was transferred to Muzaffarpur Range but instead of joining the new place of posting he always filed representation for cancellation of his transfer which was earlier rejected. Notices

were given at different addresses including the permanent address for his joining but did not given any result. After lapse of three years he appeared joined the service on 9.19.2009 and he was allowed to join the new place of posting, from Muzaffarpur he was transferred to Sitamarhi.

The Superintendent of Police, Special Department, Government of Bihar vide memo no.7581 dated 23.12.2013 rejected the claim of the petitioner and recorded that he remained absent illegally and is not entitled to any salary.

Today a supplementary affidavit has been filed on behalf of the petitioner annexing the document making submission that during that period he was ill on account of stomach problem and he was under the treatment of the doctor and whatever the leave standing to his credit can be adjusted against the period of his absence including his sick leave but respondent straightway deprived the petitioner from salary.

This Court is not giving any opinion on the merit of the case. Superintendent of Police, Special Department, Bihar, Patna is directed to examine the records on which reliance can be placed with respect to illness of the petitioner and if it is found that during that period really he was suffering from illness the Superintendent of Police will grant statutory available leave standing to his credit. The petitioner will

be at liberty to file representation annexing the relevant documents but on demand he will produce the original records. Superintendent of Police will examine the case of the petitioner and pass a reasoned order in accordance with law.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
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