

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2958 of 2011

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Shashi Kant 'Kanchan' Son of Laldeo Singh @ Arvind Kumar Singh from
Ist wife also named as Indu Devi Resident of Village and P.O. Baga, P.S.
Azimabad District - Bhojpur At Ara

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary Human Resource Development Department,
Government of Bihar, Patna
3. The District Magistrate Bhojpur District - Bhojpur at Ara
4. The District Superintendent of Education District - Bhojpur at Ara
5. The B.D.O. of Block Sandesh District - Bhojpur at Ara
6. Ramakant Singh Son of Late Sukhdeo Singh Mukhia of Gram Panchayat
Baga, Block Sandesh District Bhojpur at Ara
7. Chandeshwar Upadhyay Son of not known Panchayat Secretary, Baga
Gram Panchayat of Sandesh Block, Resident of Village Bhimpura, P.O.
Baga, P.S. Azimabad , District - Bhojpur at Ara.
8. Tinku Kumar Mishra, S/o Sri Ram Kumar Mishra, Mukhiya Gram
Panchyat Baga Sandesh Block, Bhojpur, Distt. Bhojpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Arun Kumar No. 1

For the Respondent/s : Mr. Uday Shankar Saran Singh, GP 19

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

14. 05-10-2016 Heard Sri Arun Kumar No. 1, learned counsel for the
petitioner and Sri Uday Shankar Saran Singh, learned Govt.
Pleader – 19.

It is unfortunate that the petitioner, who is a Block
Teacher, was constrained to approach this Court by invoking its
writ jurisdiction, with a prayer to direct the respondents to pay his
arrear salary i.e. salary from 1st April, 2008 onwards.

On 23-09-2011, a Bench of this Court, while



adjourning the case to enable the State counsel to file counter affidavit, made it clear that *if in the meanwhile, work is taken from the petitioner, then current salary must be paid to him*. Finally, the petitioner has accepted that during the pendency of this petition, the respondents have started to pay him salary and now he is getting current salary regularly and he is posted as Block Teacher in Middle School, Baga Gram Panchayat of Sandesh Block in the District of Bhojpur.

In paragraph – 6 of the supplementary affidavit of petitioner, which was filed on 19th September, 2016, it has been stated that under the head of arrear salary about Rs. 2,60,000/- (Rupees two lacs and sixty thousand) was sanctioned for payment, however out of said amount, he was paid only Rs. 1,20,000/- (Rupees one lac and twenty thousand) and due to one reason or the other, he has not been paid remaining amount i.e. Rs. 1,40,000/- (Rupees one lac and forty thousand).

Sri Uday Shankar Saran Singh, learned Govt. Pleader - 19 accepts that the said amount has already been sanctioned and even said amount has already been transmitted to the concerned Panchayat Secretary for its payment.

In view of undisputed fact, the Court proposes to allow the writ petition, with a direction to pay entire arrear salary,

as sanctioned by the District Programme Officer within a period of six weeks from today.

It is made clear that if arrear salary is not paid within six weeks from today, the petitioner shall be entitled to get interest on the said amount @ 12% per annum and such interest amount shall be recoverable from the pocket of concerned authority. Even with interest, payment must be made within three months from today.

The writ petition is allowed.

It is made clear that all the respondents are directed to ensure compliance of the order within time, as specified by this Court.

(Rakesh Kumar, J.)

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