

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11323 of 2015

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Satyendra Kumar Thakur son of late Somaru Thakur Retired Labour Enforcement Officer, Sidhwalia, District- Gopalganj at present Resident of 302, Harihar Complex, Road No. 10 A, Rajendra Nagar, Patna, P.S. Kadamkuan, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Labour Employment & Training Department, Government of Bihar, Patna
3. Labour Commissioner, Labour Department, Government of Bihar, Patna
4. Sri Govind Assistant Commissioner, Labour Department, Government of Bihar, Patna

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate
Mr. Natraj Verma, Advocate

For the Respondent/s : Mr. Alok Kumar Rahi, AC to GP-21

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 17-09-2016

Heard Mr. Natraj Verma, counsel for the petitioner and Mr.

Alok Kumar Rahi, Assisting Counsel to G.P. 21.

The writ petition was filed with the prayer of regularizing the period of suspension of the petitioner i.e. from 19.3.1988 to 11.3.1993 and from 01.4.1999 to 18.9.2003 as also for payment of the salary.

Facts of the case briefly stated is that while as a Labour Inspector which post is presently known as the Labour Enforcement Officer, the petitioner was proceeded against on charge of alleged bribe taking. While the petitioner was convicted by the trial court but



the appeal before the High Court resulted in his acquittal. In between the developments so mentioned above, the petitioner was put under suspension from 19.3.1988 to 11.3.1993 and again from 01.4.1999 to 18.9.2003. Alongside a departmental proceeding was also initiated which resulted in exoneration by the disciplinary authority cum Labour Commissioner placed at Annexure-1. It is in view of such position that a representation was filed by the petitioner for regularization of his services during the suspension period aforementioned which remained pending and it is the reason for the present writ petition and for the relief prayed hereunder.

Mr. Natraj Verma, learned counsel appearing for the petitioner has referred to an order passed by the Assistant Labour Commissioner bearing Memo No. 3268 dated 09.10.2015 to submit that although the period in question has since been regularized and even the Assistant Labour Commissioner has requested the Deputy Labour Commissioner, Tirhut Division and other officials of the Labour Resources Department to release the pending dues of the petitioner for the said period but almost a year is going to lapse since last request was made on 09.10.2015 but the payment has not been made. It is not in dispute that the petitioner has superannuated from service on 31.4.2014.

Having heard learned counsel for the parties and

considering the undisputed position discussed above, I deem it fit and proper to direct the respondent nos. 3 and 4 i.e. the Labour Commissioner and the Assistant Commissioner, Labour Resources Department, Government of Bihar, to consider the grievance of the petitioner in the light of the recommendation dated 09.10.2015 of the Assistant Labour Commissioner and take steps for making payment of the dues admissible to the petitioner, within a period of three months from the date of receipt / production of a copy of this order.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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