

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.129 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 1642 of 2004**

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1. The State Of Bihar
 2. The District Magistrate, Khagaria
 3. The District Panchayat Raj Officer, Khagaria
 4. The Block Development Officer, Khagaria Block, District- Khagaria

.... Appellant/s

Versus

Bhudeo Prasad Yadav @ Bhudeo Yadav S/O- Late Sital Prasad Yadav, Panchayat
Sevak at Khagaria Block, District- Khagaria

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anjani Kumar, AAG 6

Mr. Sanjay Prasad, AC to AAG 6

For the Respondent/s : Mr.Pramod Mishra, Mr. Arun Kumar, Advocates

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 19-04-2016

The challenge in the present Letters Patent Appeal is to an order dated 11.01.2011 passed by the learned Single Judge in CWJC No. 1642 of 2004, wherein a direction has been issued to pay the salary to the respondent for the period 02.09.1999 to 13.08.2000.

The grievance of the appellants is that the respondent was transferred but he did not join his transferred place. Subsequently, he continued in his original place of posting. For the intervening period the respondent has not worked and, therefore, he is not entitled to salary.

Admittedly, during the disputed period itself, the respondent was assigned election duty, meaning thereby that the State considered him on duty and thus assigned him election responsibility. In view of the said fact, the learned Single Judge has directed for payment of salary from 02.09.1999 to 13.08.2000.

We do not find any irregularity or illegality in the order passed by the learned Single Judge which may warrant interference by this Court in the present Letters Patent Appeal.

The appeal is accordingly dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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