

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15336 of 2008

=====

Moti J.Noor, son of late Anna Easter Tomareck, resident of Village Gudari Bazar
Bagaha, P.S. Bagaha, District West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director-cum-Commissioner, Agriculture, New Secretariat, Bihar, Patna
3. The Joint Director, Agriculture, Tirhut Division, Muzaffarpur
4. The Deputy Director, Agriculture Farm (Regional), Motihari, East Champaran
5. The Collector, West Champaran, Bettiah
6. The District Agriculture Officer, Bettiah, West Champaran
7. The Sub Divisional Agriculture Officer, Bagaha, District West Champaran
8. The Block Development Officer, Bagaha II District West Champaran
9. The Block Development Officer, Ram Nagar, District West Champaran.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. R. S. Sahay
Mr. Vijay Kumar Singh I

For the State : Mr. Shanker Kumar Thakur,
AC to GP-27

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 07-11-2017

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

In the present case a very limited question has been raised
for payment of salary from March, 1998 to July, 2002.

From the record it appears that petitioner was transferred
from one place to another but was not allowed to join, repeatedly
he was treated as settle cork and ultimately his joining was not
accepted, compelled to approach this Court vide C.W.J.C.
No.4917 of 2002 and this Court intervened in the matter passed



the order, directed the Block Development Officer, Ramnagar to accept his joining directed to file representation for payment of salary, and Joint Director, Agriculture, Tirhut Division disposed of his representation. The period has been divided in four parts, Ist part from Ist March,1998 to 1.12.1998 directed to make payment according to the certificate issued by the Sub Divisional Agriculture Officer, Bagaha. 2nd part for the period 2.12.1998 to 9.7.1999, the payment of salary will be made on verification of medical certificate. The period from 10.7.1999 to 8.11.2001 was treated to be in service and direction has been given to make payment. The period from 9.11.2001 to 28.7.2002 was treated that petitioner had purposely joined late on receipt of application, the period will be treated as leave and payment would be made. So far item nos. 1, 3 and 4 are concerned there is no impediment for release of salary to the petitioner.

Learned counsel for the State submits that medical certificate was not submitted at the time of joining.

In such view of the matter, this Court directs Block Development Officer, Ram Nagar, West Champaran to release the fund with regard to aforesaid three period. With regard to period from 2.12.1998 to 9.7.1999 if the petitioner has already submitted the medical certificate, after proper verification release



arrear of salary of the petitioner as has been claimed that he was indisposed during that period. The payment of item nos. 1, 3 and 4 should be made without any delay. If the payment has been made the question of double payment does not arise. The Block Development Officer is directed to consider the claim of the petitioner and release the payment within a period of three months from the date of receipt/production of a copy of this order. Block Development Officer will also verify from the record whether the petitioner has furnished the medical certificate at the time of joining. If the same is available the payment will be made within the same period.

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

Vinay/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.11.2017
Transmission Date	NA

