

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17124 of 2008

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Jambant Das @ Jamband Das son of late Mahabir Das, Resident of Village Makhana, P.S. Jagdishpur, Dist. Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Engineer-in-Chief cum Commissioner and Secretary Department of Road Construction Department, Bihar, Patna.
2. The Chief Engineer, South Bihar (Yatayat Upbhag) Department of Road Construction Circle Office, Patna.
3. The Superintending Engineer, East Bihar Road, Circle Department of Road Construction, Bhagalpur.
4. The Executive Engineer, Path Pramandal, Department of Road Constructino, Bhagalpur.
5. The Awar Pramandal Padadhikari, Path Awar Pramandal, Kahalgaon, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arjun pd. Keshari, Adv.

For the Respondent/s : Mr. (AAG11)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 15-11-2017

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

In this case, the petitioner is claiming payment of wages amounting Rs. 1,46,770/- as has not been paid on account of non-allotment of the aforesaid amount.

As per claim of the petitioner, he was appointed on daily wages on the post of Road Roller Driver, was posted in Kahalgaon in the district of Bhagalpur on 21.1.1984 and since 9.5.1986, he was not paid his salary on account of non-availability of fund, for that, the



S.D.O. has also written a letter to the competent authority to allot the said amount so that the payment can be made.

A counter affidavit has been filed by the State wherein a plea has been taken that for the work he has done, has been paid Rs. 1,10,187.15/- and further said that no document is available to arrive to a finding of working period as has been claimed by the petitioner but, learned counsel for the petitioner submits that the S.D.O. has recommended for the same which itself shows that he has discharged the duty of Road Roller Driver and has been deprived of the same.

Let the petitioner should file a proper representation along with a copy of this order before the Commissioner, Bhagalpur with details, he will call the records from the Assistant Engineer, R.C.D., Kahalgaon and will verify the statement made by the petitioner and also verify the details of arrear of salary recommended by the S.D.O. which is part of the reply to the supplementary affidavit and if the Commissioner arrives to a finding that the petitioner is entitled to the aforesaid amount, the same should be paid without delay preferably within a period of three months but, if the Commissioner does not subscribe the claim of the petitioner, in such situation, he will give notice and hear the petitioner and will pass a reasoned order.

All the process must be concluded within a period of



four months from the date of filing of the representation along with a copy of this order.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.11.2017
Transmission Date	NA

