

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2313 of 2017

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Chandra Shekhar Ram, Son of Late Bideshi Ram, Resident of Village + Post
Office- Silaunja, Police Station - Belaganj, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Gaya.
3. The District Panchayat Officer, Gaya.
4. The Block Development Officer, Mohanpur, District - Gaya.
5. The Block Development Officer, Tekari, District - Gaya.
6. The Block Development Officer, Atari, District - Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy, Adv.
Mr. Sumit Kumar, Adv.
Ms. Nikki Singh, Adv.

For the Respondent/s : Mr. Krishna Chandra, AC to AG.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 03-04-2017

Heard Mr. Jitendra Kumar Roy, learned counsel
appearing for the petitioner and Mr. Krishna Chandra, learned
Assisting Counsel to the Advocate General for the State.

The writ petition was filed by the petitioner praying,
inter alia, for an appropriate direction to the Block Development
Officer, Mohanpur to forward the Last Pay Certificate of the
petitioner who holds the post of a Panchayat Secretary on his
transfer to Block- Tekari in the district of Gaya. Alongside a further
prayer is made for an appropriate direction to the Block
Development Officer, Tekari to make payment of the salary
attached to the post of Panchayat Secretary.



Facts of the case briefly stated is that the petitioner holding the post of Panchayat Secretary was transferred in the same capacity from Mohanpur Block to Tekari Block where he gave his joining on 2.8.2012 vide Anenxure-2 before the Block Development Officer, Tekari, District-Gaya. Since the Last Pay Certificate was not being issued by the Block Development Officer, Mohanpur that the petitioner was not able to draw his salary and for which the Block Development Officer, Tekari requested his counterpart at Mohanpur to send the same. Request bore no result forcing the petitioner to represent before the District Magistrate, Gaya which again went asking.

In between an issue regarding some advance under some scheme as well as non-handing over of charge by the petitioner surfaced which finds discussed in the counter affidavit of the State and which was cited as the reason for non-handing over of Last Pay Certificate to the petitioner. However, the matter is put to rest because on 13.8.2016 the Block Development Officer, Mohanpur has forwarded the Last Pay Certificate of the petitioner to the Block Development Officer, Tekari along with his service book but before that the petitioner stood transferred to Block- Mohra where he gave his joining on 12.7.2016 vide Annexure-5 before the Block Development Officer, Mohra.

A rejoinder is stated to have been filed denying all



complaints regarding advance outstanding as well as on non-handing over of the charge under various schemes.

Having heard learned counsel for the parties and considering that the main prayer made by the petitioner for issuance of Last Pay Certificate by the Block Development Officer, Mohanpur has since been redressed albeit with a delay of almost 4 years vide Annexure-6 there should not be any impediment now in the way of the Block Development Officer, Tekari to make payment of salary admissible to the petitioner during his stay at Tekari as also to forward the Last Pay Certificate of the petitioner to the Block Development Officer, Mohra which obligation should be discharged by the Block Development Officer, Tekari expeditiously and preferably within a period of six weeks from the date of receipt/production of a copy of this order.

The writ petition is allowed with the direction aforementioned.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02-05-2017
Transmission Date	NA

