

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10066 of 2011

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1. Dina Nath Chaubey Sri Raj Narayan Choubey R/O Village Shankar Pur, P.So-Aam Ghat, Ps-Basdih Road, District- Balia, Uttar Pradesh

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Department Of Water Resurces, Govt. Of Bihar, Patna.
3. The Under Secretary, Department Of Water Resourecs, Govt. Of Bihar, Patna.
4. The Engineer In Chief (North) Water Resources Department, Govt. Of Bihar, Patna.
5. The Chief Engineer Water Resources Department, Purnia
6. The Executive Engineer, Durgawati Bandh Division No.2, Bhirti Bandh, Camp At Chenari.
7. The Assistant Engineer Cum Sub Divisional Officer Durgawati Bandh, Sub Division No.8, Bhirti Bandh, Rohtas.
8. The Superintending Engineer, Canal Circle, Purnia
9. The Executive Engineer Irrigation Division, Murliganj, Madhepura.
10. The Assistant Engineer Irrigation Sub Division, Murliganj, Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh,
Mr. Ranvijoy Singh
For the STtate : Mr. Aditya Nath Jha, AC to SC 18

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 11-12-2017

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

In the present case, claim has been made by the petitioner for payment of salary for the period from 1.10.198 to 13.9.2007 except the period from 1.10.1998 to 15.10.1998, 17.9.1999, 21.7.2004 to 31.7.2004 and 3.9.2007 to 13.9.2007.

Learned counsel for the petitioner submits that petitioner



was relived from posting at Dehri, he had gone to Purnea but his joining was not accepted as he had reported there without handing over the charge as at Dehri which is extremist infested area as such no body was ready to take over the charge from the petitioner on account of long delay of handing over the charge he joined the new place of posting thereafter. He has further submitted that there was no laches on his part rather he was victim of circumstances, he was given show-cause which the petitioner has replied by 9.9.2008 but without considering the contents of his explanation the impugned order has been passed and thereby he has been deprived from salary for the substantial period. Claim has been made that explanation has not been considered properly but passed the impugned order.

This Court is not giving any opinion on the merit of the case, however, this Court directs the Engineer-in-Chief (North), Water Resources Department, Government of Bihar, Patna to consider the claim of the petitioner taking into account representation/show cause dated 10.9.2008 (Annexure-14) and take decision in accordance with law. The order dated 17.11.2008 will not be treated to be obstruction in the way for taking fresh decision in the matter.

With the aforesaid observation and direction this writ



petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.12.2017
Transmission Date	NA

