

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13336 of 2016

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Rajendra Rai, Son of Late Dukha Rai, Resident of Village- Jhauhadi, P.O-
Sonbarsa, P.S.- Sitamarhi, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, General and Administrative Department Secretariat Patna, Bihar.
2. The Principal Secretary Department of Industry Government of Bihar, Patna.
3. Additional Secretary Department of Industry Government of Bihar, Patna.
4. Director, Department of Industry Government of Bihar, Patna.
5. The General Manager, District Industry Center, Jamui.
6. The Accountant General, Bihar, Patna.
7. District Provident Fund Officer, Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No. III, Advocate
For the State : Mr. Abbas Haider, S.C. 6

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 19-08-2017

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court for the following

reliefs related to his retiral dues:

“(i) To make payment of Rs. 35,000/- as is different amount of sixth pay revision.

(ii) To make payment of Rs. 15,762/- as is due amount for the strike period of 34 days i.e. w.e.f. from 7.1.2009 to 9.2.2009.

(iii) To make payment of Rs. 35,000/- of General Provident Fund.

(iv.) To make payment of Rs. 3,15,096/- for the period of salary i.e. w.e.f. 24.12.2010 to 24.11.2011 which has not been paid to the petitioner after his retirement dated 30.6.2012 from the service and as such further may be pleased to direct the respondents to pay the entire due amount to the petitioner with interest.”



3. Learned counsel for the petitioner submitted that, as of now, his claim for payment for the strike period of 34 days and salary for the period 24.12.2010 to 24.11.2011 remains unpaid.

4. Learned counsel for the State submitted that with regard to the aforesaid, the same has been refused by a substantive order. It was submitted that unless that order is set aside, such payment cannot be made.

5. Faced with the situation, learned counsel for the petitioner submitted that he may be permitted to assail the orders in an appropriate proceeding before the appropriate forum.

6. In view thereof, the writ petition stands disposed off with liberty to the petitioner to challenge the order denying him payment for the strike period of 34 days and salary for the period 24.12.2010 to 24.11.2011, in a duly constituted proceeding before the appropriate forum, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

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