

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 399 of 2015

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Indu Prasad Son of Late Ramji Prasad, Resident of Village- Paithna, P.O. Bhaganbigha, P.S. Bena, District- Nalanda, presently posted as Panchayat Sachiv, Asthawan Block, Nalanda

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna
2. The District Magistrate, Nalanda
3. The District Panchayat Officer, Nalanda
4. The Block Development Officer, Asthawan, Nalanda

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh
For the Respondent/s : AC to SC - 7

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 19-01-2017 Heard Sri Ashok Kumar Singh, learned counsel for the petitioner and learned A.C. to Standing Counsel – 7.

The petitioner has invoked the writ jurisdiction under Article 226 of the Constitution of India, with a prayer to direct the respondents to pay his arrear of salary from 06-02-1999 to 07-05-1999, February 2006, 02-05-2013 (one day) and installments of difference of salary of 6th pay revision to the petitioner.

The petitioner has also prayed for directing the respondents to pay aforesaid amount with compoundable interest at the rate of 18% . The petitioner is a Panchayat Sevak.

In this case, a counter affidavit has been filed on



behalf of respondent no. 2 to 4. In the counter affidavit, the claim of the petitioner has virtually not been disputed, but certain plea has been taken that allotment of fund was not available. So far as claim of salary for the period 06-02-1999 to 07-05-1999 is concerned, it has been stated that this period is in relation to strike period, for which, extra-ordinary leave has been sanctioned, but allotment has not come.

Considering the facts and circumstances that the claim of the petitioner has not been disputed in the counter affidavit, only plea is being taken that allotment has not come, the Court is of the opinion that writ petition may not be kept pending for an indefinite period.

Accordingly, in view of facts and circumstances, the writ petition is disposed of with a direction to the respondents, particularly respondent no. 2/District Magistrate, Nalanda to ensure redressal of entire grievance of the petitioner within a period of eight weeks from the date of receipt/production of a copy of this order.

The writ petition stands disposed of with aforesaid direction.

(Rakesh Kumar, J.)

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