

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11643 of 2017**

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1. Kailash Prasad Singh, Son of Late Jagdish Prasad Singh, Resident of Village- Sardiha Tola Jamunia, P.S.- Simri Bakhtiyarpur, District- Saharsa.  
.... .... Petitioner/s

Versus

1. The State of Bihar, Patna through the Secretary, Rural Works Department, Bihar, Patna.  
2. The Engineer-in-Chief, Rural Works Department, Bihar, Patna.  
3. The Joint Secretary, Rural Works Department, Bihar, Patna.  
4. The Chief Engineer, Rural Works Department, Bihar, Patna.  
5. The Superintending Engineer, Rural Works Department, Bihar, Patna.  
6. The Executive Engineer, Works Division, Gaya.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Prabhat Kumar, Adv.

For the Respondent/s : Smt. Archana Menakshee -GP6

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**ORAL ORDER**

2      21-12-2017      The petitioner raises grievance of non payment of salary on the post of Road Roller Khalasi since March 2016. Mr. Prabhat Kumar learned counsel for the petitioner in reference to the order passed in C.W.J.C.No.8043 of 2004, a copy of which is placed at Annexure-1 submits that the petitioner had come before this Court for regularization on Class IV post and vide judgment and order passed on 5.7.2005 the writ petition was disposed of with the direction to the authorities to grant him the minimum scale of pay if already not given. He submits in reference to the order passed in L.P.A. No. 652 of 2007 that the State went in appeal but the Division Bench dismissed the same vide order passed on 22.7.2008 and as a consequence an office order was issued bearing



Memo No.1761 dated 28.8.2008 granting the petitioner minimum of scale, a copy of which is at Annexure-3. He next submits that although the petitioner was getting his salary in tune with Annexure-3 but for reasons best known to the petitioner it has stopped since March, 2016 forcing the petitioner to move before this Court.

Having heard learned counsel for the parties and considering the nature of grievance raised, I deem it proper to dispose of the writ petition with liberty to the petitioner to raise his grievance before the Executive Engineer, Rural Works Department, Works Division, Gaya where the petitioner is serving and it goes without saying that the Executive Engineer would consider and dispose of the same and pass appropriate orders for release of the salary of the petitioner within four weeks of the date of receipt/production of a copy of this order and in case there are reasons accompanied for non payment of the salary, the claim be disposed of by speaking order to be passed within the same time.

The writ petition is disposed of.

**(Jyoti Saran, J)**

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