

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9503 of 2001

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Kailash Prasad Modi son of late Shukhdeo Prasad Modi resident of village
Chara Bargoan, P.S.-Sahkund, District-Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Engineer Ganga Pump Nahar Bhagalpur District-Bhagalpur
3. The Superintending Engineer Ganga Pump Nahar, Circle Munger District
Munger
4. The Executive Engineer, Ganga Pump Nahar, Division Sultanganj, District-
Bhagalpur
5. The Assistant Engineer, Ganga Pump Nahar Sub-Division No. III
Sultanganj District-Bhagalpur
6. The Assistant Engineer Ganga Pump Nahar, Mechanical Sub-Division
Sultanganj District-Bhagalpur
7. The Section Officer Ganga Pump Nahar, Sub-Division No. III Sultanganj
Section 60, District-Bhagalpur
8. The Section Officer Ganga Pump Nahar Mechanical Sub-Division,
Sultanganj Section 57, District-Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	None

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 06-03-2018

The learned counsel for the petitioner and the learned
counsel for the State are not present.

The matter relates to non-payment of daily wages salary from
August, 1995 to June, 2001.

From the record, it appears that the termination of the
petitioner was challenged before this Court in C.W.J.C. No. 1808



of 1996 and this Court vide order dated 16.08.1996 passed the order of status quo and whereafter, the Assistant Engineer (Mechanical) vide letter No. 86 dated 25.08.1995 directed the petitioner to mark attendance and carry out work assigned to him. The said C.W.J.C. No. 1808 of 1996 has been dismissed for default vide order dated 12.10.2010 and as such, the order of termination of service has remained unaffected, but the present case is only for the limited purposes of payment of salary. After the status quo order, the Assistant Engineer (Mechanical) vide letter dated 25.08.1995 directed the petitioner to remain present at work place and carry out the job. Prima facie, the letter reflects that he was asked to discharge the duty after the order of termination but the writ petition as well as from the counter affidavit does not reflect clear picture. So, this Court does not feel inclined to issue a writ of mandamus to the respondents to make payment of the salary for the period as claimed in the writ application, but for convenience, the petitioner is directed to file a detailed representation before the Respondent No. 3, the Superintending Engineer, Ganga Pump Nahar, Circle Munger, District- Munger who examine the case of petitioner and pass reasoned order. The exercise should be completed within three months.



Accordingly, the writ application is disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
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