

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16003 of 2005

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SANTOSH KUMAR son of Late Kusheshwar Sharma, at present posted as Junior Engineer, Irrigation Division, Kundhit, District- Jamtara.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR through Secretary, Water Resources (Irrigation) Department, Government of Bihar, Patna.
2. The Secretary, Rural Engineering Organisation, Rural Development Department, Government of Bihar, Patna.
3. The Deputy Development Commissioner, Vaishali, District Vaishali.
4. The District Magistrate, Vaishali at Hajipur, District Vaishali.
5. The Block Development Officer, Hajipur Block, District Vaishali.
6. The Executive Engineer, Jamunia Camp Division, Department of Water Resources, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. DURGA NAND JHA, Advocate
For the Respondent/s : Mr. Chandra Shekhar Singh, AC to GA10

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 27-03-2018

Petitioner is permitted to add the Executive Engineer, Jamania Pump Canal Division, Department of Water Resources, Government of Bihar, Patna, as party Respondent No. 6 in this petition.

This writ petition under Article 226 of Constitution of India has been filed by petitioner for commanding the Respondents to release arrears of salary for the period from August 1997 to August 2002 along with interest and to pay the deputation allowance in addition to salary for the period from 1.9.1988 to 20.4.1994 and for the period from 1.8.1997 to 31.8.2002 along with interest and to pay the entire arrears amount relating to payment of different



vouchers which were passed by the Executive Engineer, Jamania Pump Canal Division on 11.9.2004.

The services of petitioner along with 203 junior engineers were placed under the Rural Development Department for three years. The services of petitioner was placed under the District Magistrate, Vaishali, and petitioner submitted his joining before the District Development Commissioner, Vaishali, on 4.11.1997 and the District Development Commissioner by order dated 21.11.1997 posted petitioner in National Rural Employment Programme under the Block Development Officer, Sahdei Bujurg Block and from where by order dated 15.6.1999 issued by District Development Commissioner, the services of petitioner was transferred to the office of Executive Engineer, NREP, Vaishali.

Petitioner was relieved by the Block Development Officer on 21.6.1999 and placed under the control of Hajipur Block by order dated 10.12.1999 by District Magistrate, Vaishali. The services of petitioner was transferred by order dated 4.5.2000 and placed in Irrigation Department. Petitioner challenged the said order in CWJC No. 6599 of 2000 along with other similarly situated junior engineers and same was disposed of by order dated 31.7.2000 with a direction to the Respondents to ensure payment of arrears of salary before issuance of relieving order. Further, there was



direction to post petitioner against clear vacant post within one month and to pay arrears of salary within four months from the date of reporting in the Parent Department. However, petitioner was relieved on 7.8.2002 without any salary and while working in Water Resources Department he was relieved for Jharkhand on 11.9.2004 and salary was not paid to him for want of last pay certificate.

It has further been submitted that even the vouchers, which were passed by the Executive Engineers, Jamania Pump Canal Division on 11.9.2004, payment of which has not been made to the petitioner.

A counter affidavit has been filed on behalf of Respondent Nos. 3 to 5 in which it has been stated that arrears of salary of the petitioner has been paid and learned counsel for the petitioner also accepts that one of the grievances, as far as arrears of salary is concerned, same has been redressed by the Respondent-authorities. With respect to deputation allowance it has been stated that same is not payable to petitioner and with respect to payment of different vouchers it has been stated that same relates to the Executive Engineer, Jamania Pump Canal Division.



The writ petition is disposed of with a direction to the newly added Respondent No. 6, the Executive Engineer, Jamania Pump Canal Division, Govt. of Bihar, Patna, to consider the claim of petitioner as far as claim relates to payment of vouchers after being passed by the Executive Engineer or the work done by petitioner in the year 2004 and after examining claim of petitioner in respect of such payment and if he finds that claim of petitioner is genuine, he will allow the claim of petitioner and pay the due amount within three months from the date of receipt/production of a copy of order of this Court.

As far as deputation allowance is concerned, petitioner may file a representation before the Secretary of the Department, who will consider the claim of petitioner with respect to deputation allowance for the period when petitioner remained on deputation and shall examine the claim of petitioner and pass appropriate order after considering the claim of petitioner.

With said observation and direction the writ petition is disposed of.

(S. Kumar, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

