

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16959 of 2009

1. Hari Narayan, S/o late Bachu Gope, State Examiner of Questioned Documents cum In-charge Director, Police Laboratory, C.I.D., Bihar, Patna (now on transfer). (Now dead and substituted by his following legal heirs).

1. (a) Smt. Asha Rani, W/o of late Hari Narayan.

1. (b) Smt. Anu Prerana, W/o Sri Chandra Pratap.

1. (c) Smt. Sweta Kiran, W/o Sri Arnesh Kumar.

(b) and (c) both are daughter of Late Hari Narayan.

1. (d) Sharad Shashank.

1. (e) Akshay Krishna.

(d) and (e) both are sons of Late Hari Narayan.

All are residents of C-58 (Upper Floor) Road No.5, Police Colony, Anishabad, Patna- 800002.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Principal Secretary to The Govt. Home (Police), Bihar, Patna.
3. Jt. Secretary to The Govt. Home (Police), Bihar, Patna.
4. Director General of Police Bihar, Patna.
5. Addl. Director General of Police, C.I.D. Bihar, Patna.
6. Inspector General of Police, C.I.D. Bihar, Patna.
7. Superintendent of Police (C), C.I.D. Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kr. Mishra, Adv.

For the Respondent/s : Mr. G.P Ojha, GA7

Mr. Gopal Krishna, AC to GA7

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 17-04-2018

Heard learned counsel for the parties.

In the case, the original petitioner is seeking salary from the State of Bihar for the period 23.7.2009 to 3.2.2010 which has been denied by the State of Bihar having taken a stand that after the order of transfer vide Memo No. 684 dated 22.7.2009, he was relieved on the same date and also allowed him the advance salary and the traveling allowance but, the petitioner has challenged the



order of transfer in C.W.J.C. No. 9427 of 2009 and this Court, vide order dated 7.8.2009, directed the petitioner to join the new place of posting but, after a long delay i.e. on 3.2.2010, the petitioner joined the service in Jharkhand.

Learned counsel for the original petitioner submits that he has joined the service on 3.2.2010, therefore, he is entitled to salary for the period 23.7.2009 to 3.2.2010 but, a stand has been taken by the State that after transfer on 22.7.2009, he was relieved on the same date, he was also granted traveling allowance and the advance salary and, therefore, the claim of the original petitioner from the State of Bihar is not sustainable in law.

The plea of the State of Bihar is correct. When the petitioner was relieved and he was given traveling allowance and advance salary, the question of claiming salary from the State of Bihar does not arise.

This Court does not find any merit in this writ application. Accordingly, the same is dismissed.

(Shivaji Pandey, J)

rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.04.2018
Transmission Date	NA

