

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13873 of 2008

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Bishwanath Ram, Son of late Sheopujan Ram, Resident of Village Nonar, P.O. Nonar, P.S. Piro, Dist. Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Water Resources Department, Government of Bihar, Patna.
2. Chief Engineer, Sone Nahar Irrigation, Anishabad, Patna.
3. Executive Engineer, Sone Nahar Irrigation, Buxar, Patna.
4. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. K.M.Joseph, Adv.
For the State : Mr. Utsav Kumar, AC to GA-4
For the A.G. : Mr. Raj Nandan Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 08-01-2018

Heard learned counsel for the petitioner and counsel for the State.

In the present case, the dispute is only with regard to payment of arrear of salary in the scale of Rs. 3050-4590/- as per 6th Pay Revision Commission with effect from 1.1.1996, actual payment from 1.4.1997.

Though the State Government has produced the photocopy of the counter affidavit but, the record does not disclose filing of any such counter affidavit by the State.

Looking to the statement made in the counter affidavit, it is not desirable to keep the matter pending, the counter affidavit itself



shows fitment in the proper scale and the petitioner must have been paid the arrear of salary. For that, the letter has also been sent to the Accountant General.

In that view of the matter, there is no purpose to keep the matter pending treating the payment has been made to the petitioner and, accordingly, the petition is disposed of but, if it is found that the actual money has not been credited to the account of the petitioner, he will be at liberty to file a simple petition for revival of the case and the case will be revived and it will proceed accordingly.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.01.2018
Transmission Date	NA

