

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16667 of 2016

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Radha Bihari Prasad Son of Late Satrugshan Prasad, Resident of Hari Chaubey Lane, Dumraon, Ward No. 16, P.O. + P.S.- Dumraon, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Labour Resources Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Principal Secretary, Labour Resources Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Labour Commissioner, Labour Resources Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The Deputy Labour Commissioner, Labour Resources Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
5. The Deputy Labour Commissioner (Agriculture), Labour Resources Department, Tirhut Division, Muzaffarpur.
6. The Director, Labour Resources Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
7. The Labour Superintendent, Labour Resources, Department, Nalanda, Biharsarif.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 20-07-2018

Heard learned counsel for the petitioner and State.

2. The petitioner had moved the Court for the following reliefs:

“1. That the present writ petition is being filed for issuance of the writ of Mandamus to the respondents to grant the benefits of the recommendation of 5th and 6th Pay Revision Committee and revise his salary accordingly and pay the arrears of salary, which has been denied to him for the reason best known to the concerned respondents.



2. That the petitioners further prays, before this Hon'ble Court to direct the respondents to grant the petitioner the salary for the period January 1998 to December 1998 and from August 1999 to November 2000, non-payment of which has deprived the petitioner his yearly increment, grant of Assured Career Progression (ACP) causing less payment of salary than to the similarly situated employees.

3. That the petitioner even further prays for payment of penal interest @ 18% on all the aforesaid payments which has been withheld in a most arbitrary manner, without any fault of the petitioner and for any other relief/reliefs, this Hon'ble Court may find fit and proper in the facts and circumstances of the present case."

3. Counter affidavit has been filed on behalf of respondents no. 1 to 7 in which the stand taken is that a departmental proceeding had been initiated against the petitioner in the year 2004 and pursuant to the enquiry report submitted, a second show cause was asked from him which remained unresponded. It is further their stand that upon superannuation in the year 2014, proceedings were converted under Rule 43 (b) of the Bihar Pension Rules, 1950 and thereafter also by letter No. 5490 dated 30.12.2016 further opportunity of submitting show cause was granted to the petitioner and even that has not been replied to. It is also their stand that upon conclusion of the departmental proceeding, final orders shall be



passed and in terms thereof, all the admissible dues of the petitioner shall be cleared.

4. On a query of the Court to learned counsel for the petitioner as to whether he is agreeable to submit his reply to the second show cause, he prays that two weeks time be given for the same.

5. Having regard to the aforesaid, if the petitioner files his reply to the second show cause within two weeks from today, the authorities shall take the same into consideration and pass final orders in the departmental proceeding within one month from the date of filing of reply by the petitioner. Depending upon the order passed in the departmental proceeding, all the admissible dues to which the petitioner is held entitled shall be paid to him, within three months thereafter.

6. The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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