

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.210 of 2017
IN
Civil Writ Jurisdiction Case No. 10365 of 2016

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Anil Kumar, Son of Shree Ram Ratan Pd. Singh, resident of Village - Makanpur, Police Station - Warsaliganj in the district of Nawada, presently posted as Lower Division Clerk, District Transport Office, Khagaria.

.... Petitioner/Appellant

Versus

1. The State of Bihar through the Principal Secretary, Transport Department, Government of Bihar, Patna.
2. The Principal Secretary-cum-State Transport Commissioner, Transport Department, Government of Bihar, Patna.
3. The Additional Secretary, Transport Department, Government of Bihar, Patna.
4. The District Transport Officer, Khagaria.
5. Md. Abdul Rajjak, Son of not known, resident of Village & P.S. - not known, District - Godda, State - Jharkhand, presently posted as District Transport Officer, Khagaria.

.... Respondents/Respondents

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Appearance :

For the Appellant : Mr. Sunil Kumar, Advocate
For the State : Mr. Ajay Kumar Rastogi, AAG-10

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR



ORAL JUDGMENT & ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 25-09-2018

Feeling aggrieved and dissatisfied by the impugned judgment and order dated 14.12.2016 passed by the learned Single Judge in C.W.J.C. No. 10365 of 2016, the original writ-petitioner has preferred the present Letters Patent Appeal.

2. Having heard the learned counsel appearing on behalf of the respective parties and considering the fact that there was a serious dispute with respect to the entitlement of the salary claimed by the original writ-petitioner, more particularly, with respect to the attendance register etc. and, thereafter, when the learned Single Judge directed the D.T.O. to verify the service record of the petitioner along with the attendance register etc. and then take appropriate steps, if the petitioner's entitlement is made out or else he will be told in uncertain terms as to why salary cannot be paid for the period and for the reasons thereof, it cannot be said that the learned Single Judge committed any error which calls for interference by this Court in exercise of *intra*-Court appellate jurisdiction.

3. Under the circumstances, there is no merit in



the present Letters Patent Appeal and the same is,
accordingly, dismissed.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	27.09.2018
Transmission Date	N/A

