

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22456 of 2013

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Ashwani Kumar S/O Late Laljee Prasad Vishwakarma Resident Of Village-
Monanwan, P.S- Bikram, District- Patna Petitioner

Versus

1. The State Of Bihar
 2. The Secretary, Revenue Bihar, Patna.
 3. The Director, Revenue, Bihar, Patna.
 4. The District Magistrate, Patna.
 5. The Sub- Divisional Officer, Barh, Patna.
 6. The District Treasury Officer, Patna.
 7. The Circle Officer, Paliganj, Patna.
 8. The Block Development Officer, Bihta, Patna.
 9. The Circle Officer, Ghoswari Patna. Respondents
- =====

Appearance :

For the Petitioner : Mr. Dinu Kumar, Miss Ritika Rani,
Mr. A.K.Sharma, Kri.Neha, VK Vimal, Advocates
For the Respondents : Mr. Kumar Manglam, AC to SC 24

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 08-05-2018

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

2. The writ petition has been filed since the petitioner was
denied payment of salary with effect from 1.7.2011 alleging some
dues against him while he was posted in Bihta. Since, the decision to
stop petitioner's salary was taken without drawing any proceeding and
affording him opportunity, the District Magistrate, Patna has come
out with order dated 28.4.2018 (Annexure C to supplementary counter
affidavit filed on behalf of respondents no. 4 and 5). Referring to the
said order, specific stand has been taken in the supplementary counter
affidavit which is being reproduced herein below:-



“That in the meantime salary for the month of March 2018 and April; 2018 has been prepared vide Bill No. 21/18-19 and Bill No. 22/18-19 respectively and have been sent to the treasury for payment to the petitioner. The arrear of salary shall be paid after getting attendance report from respective offices.”

3. Since, the respondents have already taken steps for payment of arrears of salary, subject to getting attendance report from respective offices, no further order needs to be passed regarding admissibility of the claim of the petitioner.

4. The writ petition is therefore disposed of in light of the stand taken by the respondents. Since, the petitioner has suffered depravation of salary for no reasons from 1.7.2011, it would be obligatory upon the District Magistrate, Patna (respondent no.4) to take a final decision after ensuring that the attendance report are obtained from various offices and complete the exercise by making payment of the dues in favour of the petitioner in light of the stand taken in the supplementary counter affidavit within a period of eight weeks from the date of receipt/production of a copy of this order.

5. The writ petition is disposed of.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.05.2018
Transmission Date	NA

