

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1535 of 2017

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1. Kiran Kumari, Daughter of Late Raj Kumar Singh, wife of Sri Ramanuj Singh, resident of Village- Bodha Chapra, P.S.- Awtarnagar, District- Saran(Chapra).

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Secondary Education, Government of Bihar, Patna.
3. The District Magistrate, Saran at Chapra.
4. The Deputy Development Commissioner, Saran, Chapra.
5. The District Programme Officer (Establishment), Saran (Chapra).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Kishore Singh
For the Respondent/s : Smt. Binita Singh- Sc28

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 07-03-2018 Heard learned counsel for the petitioner and learned counsel for the State.

Vide order dated 15.11.2017 six weeks time was granted to the respondents to file counter affidavit unfortunately neither counter affidavit was filed nor the grievance of the petitioner was redressed.

The grievance of the petitioner in the present writ petition is non-payment of the salary. In the writ application there is averment that on the recommendation of Vigilance contained in Letter No.34 dated 04.10.2016 salary of the petitioner has been stopped without any show cause and without any departmental



proceeding. The action of the respondent is arbitrary.

Learned counsel for the petitioner submitted that respondents when proposed to proceed on recommendation of the Vigilance they were required to initiate a departmental proceeding and required to grant opportunity of hearing. He submitted that if the petitioner is regularly working there is no reason to deny payment of salary as stoppage of salary on the dictate of Vigilance is contrary to law.

Under the aforesaid circumstance, the writ petition is disposed of with direction to respondents to make payment of salary to the petitioner for the period the petitioner has worked until decision in accordance with law is taken by the respondents to dispense with service of the petitioner. This order however will not preclude the respondents from taking decision independently in accordance with law and not on the dictate of Vigilance. The respondents are required to ensure payment of salary to the petitioner within a maximum thirty days from the date of receipt of a copy of this order.

(Anil Kumar Upadhyay, J)

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