

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17981 of 2010

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Shyam Narayan Singh, son of late Sakaldeo Singh, R/o Village Korara, P.S.
Paliganj, Dist. Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Mines & Geology, Bihar, Patna.
3. The District Magistrate, Gaya.
4. The Assistant Director, Mines & Geology, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Adv. Mr. Priya Ranjan, Adv.
For the Respondent/s	:	Mr. Naresh Dikshit, Spl. P.P. Minies, Mr. Kalpana, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 19-02-2018

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

In this case, the petitioner is claiming arrear of salary for the period 26.7.1994 to 22.1.1996 i.e. during the period when the petitioner was under suspension and except subsistence allowance, rest payment has not been given though the order of suspension was annuled.

Learned counsel for the State has taken a decision for denovo enquiry which was challenged before the Single Judge in C.W.J.C. No. 1996 of 1996, when the order was passed in favour of the petitioner, the same was challenged in L.P.A. No. 633 of 1997 and vide order dated 29.8.2003, the L.P.A. was dismissed



claiming that the petitioner has wrongly been deprived of the arrear of salary for the period 26.7.1994 to 22.1.1996. As has been stated that no order of punishment till date has been passed nor any enquiry is pending rather on passing of the order of the Division Bench in L.P.A., the enquiry proceeding is no longer in existence.

Learned counsel for the petitioner has further submitted that the petitioner has filed several representations for payment of arrear of salary but, no payment has been received by the petitioner.

The petitioner has not attached the copy of the representation but, during argument, he has produced the copy of the representation from which it appears that it has been received on 13.8.2010 but, the same has not been disposed of till date.

In that view of the matter, let the authority should consider the representation of the petitioner dated 13.8.2010, if any is pending before the authority concerned, and pass a reasoned order accordingly.

Learned counsel for the petitioner has submitted that there is a possibility that the aforesaid representation might have been misplaced and, hence, the petitioner should be allowed to file a fresh representation raising his grievance.



Permission is granted to the petitioner to file a fresh representation. If the aforesaid representation is not available in the record of the State, the petitioner will be at liberty to file a fresh representation raising his grievance.

Let the authority should dispose of the representation of the petitioner within a period of eight weeks from the date of filing of the representation along with a copy of this order by the petitioner.

With the aforementioned observation and direction, this writ application is disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
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