

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13945 of 2006

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Gopi Raman Singh son of Late Ram Balak Singh, Resident of Village- Sahur,
P.O. Sabur, District-Lakhisarai, at present posted as Tube-Well Operator,
Katari under Sheikhpura Sub-Division, Tube-Well, Bihar, Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Engineer (South) Bihar, Patna, Department of Minor Irrigation (State Tube-Well).
3. Superintending Engineer, Patna Circle, Department of Minor Irrigation, Patna
4. Executive Engineer, Tube-Well Division, Munger
5. Sub-Divisional Officer, State, Tube-Well, Sheikhpura

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar
For the Respondent/s : Mr. (Sc3)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 31-08-2018

The prayer in the present writ petition is for directing the respondents to pay the arrears of salary to the petitioner amounting to about Rs. 2, 00,000/- an odd.

The respondents have filed a copy of the minutes of the proceedings held by the Chief Engineer (South) Tube-Well Department, Minor Irrigation Department, Patna on 07.12.2006 wherein it has been stated that since the absentee report of the petitioner was sent by the Junior Engineer, Sheikhpur Sub-Division No. 2 vide letter No. 61 dated 17.12.1998 collectively for the period May, 1995 to 20.05.1998, the same has been found suspicious and has been rejected as such, no salary is payable to the petitioner herein. It has been further submitted by



the respondents that the absentee report is to be submitted from month to month and collective submission of absentee report for a period of about three years is illegal and creates suspicion as to whether the petitioner has really worked or not.

In reply, the learned counsel for the petitioner has submitted that similarly situated employees have already got payment of their salaries despite the fact that collective absentee report has been sent, as has been sent in the case of petitioner herein. It is further submitted that it is not the fault of the petitioner if the absentee report was not sent from month to month.

Having considered the facts and circumstances of this case, I am of the view that it would be equitable to direct the petitioner to approach the Respondent No. 2 by filing a representation within a period of four weeks from today as also giving details of the persons, who have been paid salary in similar situation and in case, similar persons have been paid salary despite their absentee report having been sent collectively for several months together, the petitioner would also be entitled to payment of salary for the aforesaid period. The respondent No. 2 shall be liable to dispose of the representation of the petitioner within a period of six weeks from today considering the



observation made by this Court hereinabove.

The writ petition is disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05-09-2018
Transmission Date	NA

