

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18187 of 2017

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Rajendra Mishra, son of late Ram Sihasan Mishra, resident of village- Badd,
P.O.-Badd, Police Station- Karakat, District- Rohtas.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Main Secretariat, Patna.
2. The Commissioner and Secretary, Department of Social Welfare (previously known as Welfare Department) Government of Bihar, Main Secretariat, Patna.
3. The Director, Integrated Child Development Service, Indira Bhawan, 2nd Floor, Boaring Canal Road, Patna.
4. The Commissioner and Secretary, Finance Department, Government of Bihar, Main Secretariat, Patna.
5. District Programme Officer, Patna.
6. District Programme Officer, Bhojpur.
7. District Programme Officer, Jehanabad.
8. C.D.P.O., Sahar, Bhojpur.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Rajib Ranjan Jha, Advocate Mr. Prashant Kumar, Advocate
For the Respondent/s	:	Mr. K.K. Singh, A.C. to S.C.-10

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 24-07-2018 Heard learned counsel for the petitioner and

learned counsel for the State.

2. In this case, the petitioner is seeking relief for
payment of salary from February, 2016 to March, 2017 and
from July, 2017 to till date.

3. The petitioner was appointed as Assistant but he
has been discharging the work of Lower Division Clerk, but
salary for the aforesaid period has not been paid to the



petitioner.

4. The State has taken plea that the petitioner has always disobeyed the order of the superior authorities and whenever the superior authorities asked him to take charge from another employee he refused to do so. The C.D.P.O. has been marking his absence in the attendant register but what he was doing he was putting his signature showing his presence at the work place.

5. Whether the petitioner was discharging the duty or he remained absent from duty or whether he refused to take charge from another employee, are the disputed question of facts, cannot be gone into in the present proceeding.

6. In such view of the matter, it will be appropriate that the petitioner should file a detailed representation before the Collector, Bhojpur, for the relief as has been claimed in this writ petition. If such a representation is filed, the Collector will be obliged to call for the records, examine the same and pass appropriate order after giving personal hearing to the petitioner either himself or through any of his agent. If the Collector decides the case against the petitioner he will be obliged to pass a reasoned order indicating the reason why the petitioner is not



entitled to the relief as has been claimed by him. All the exercise will be completed by the Collector, within a period of three months from the date of filing of representation by the petitioner.

7. With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

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