

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4135 of 2009

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Sanjay Kumar, son of Late Sri Prayag Sahani, resident of village-Manjhaul (Chatti Road), P.O. Manjhaul, District- Begusarai (Bihar).

.... Petitioner

Versus

1. The State of Bihar through Secretary, Department of House Construction, Government of Bihar, Patna, Bihar.
2. The Secretary, Road Construction Department, Government of Bihar, Patna, Bihar.
3. The Additional Secretary, Department of House Construction, Government of Bihar, Patna, Bihar.
4. The Secretary, Water Resources Department, Government of Bihar, Patna, Bihar.
5. The Chief Engineer, Water Resources Department, Patna, Bihar.
6. The Chief Engineer, House Construction Department, Patna, Bihar.
7. The Chief Engineer, Road Construction Department, Patna, Bihar.
8. Executive Engineer, Road Construction Department, Bhawan Pramandal, Muzaffarpur, Bihar.
9. Executive Engineer, Water Resources Department, Bhawan Pramandal, Muzaffarpur, Bihar.
10. Executive Engineer, House Construction Department, Anchal Bhawan, Muzaffarpur, Bihar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. RAKESH KUMAR

For the Respondent/s : AAG-11

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 12-01-2018

This case was listed on 19.07.2011, on that day no one was present from the side of the petitioner. Again the case was listed



on 18.03.2017, on that day also none was present from the side of the petitioner. On 21.03.2017, prayer was made on behalf of the petitioner for accommodation, hence the case was adjourned. Again the case was adjourned on 22.03.2017 for six weeks. On 04.05.2017, prayer was made on behalf of the State for accommodation and the case was fixed after summer vacation. Again the case was taken up on 11.01.2017 neither the petitioner nor the State was present. Even today, none appears for the parties. In such view of the matter, this case is being disposed of on merit on the basis of materials available on record.

In the present case, the petitioner is claiming that he had joined as Junior Engineer under House Construction Department, was posted at Muzaffarpur on contract basis of six months, which was extended from time to time upto 30.06.2007, but the petitioner has not been paid the salary from 01.06.2006 to 30.06.2007 about one year. Vide letter dated 25.05.2007 (Annexure-5) the Additional Secretary directed for payment of salary to the petitioner, but it has been claimed that no payment has been made, hence, he has been compelled to approach this Court by filing the present writ application.

No counter affidavit has been filed to deny the statements made in the writ application.



It has been stated in the writ application that several representations were filed but without any response.

Looking to the entire facts and circumstances of the case, this Court directs the Secretary, Road Construction Department, Government of Bihar, Patna to call for the report and examine the case of the petitioner. If it is found that though he has discharged the duty but the payment has not been made, in such circumstance, the admitted amount should be paid to the petitioner without delay. All the process should be completed within a period of four months from the date of receipt/production of a copy of this order.

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

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	16.01.2018
Transmission Date	N/A.

