

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9012 of 2014

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Rajendra Prasad Kesary Son of Late Deo Nandan Prasad Singh, Resident of village-
Asadpur, Satpura, P.S.- Bhagwanpur, District- Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Water Resources Deptt. Govt. of Bihar, Patna
3. Deputy Secretary, Water Resources Deptt. Govt. of Bihar, Patna
4. Chief Engineer, Local Area Engineering Organisation Water Resources
Department, Vishwariya Bhawan, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Respondent/s : Mr. Vivek Anand Amritesh, AC to SC 28

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 16-08-2018

Heard counsel for the petitioner and the respondent State.

2. Writ petition has been filed claiming that the period between
01.01.1997 to 05.04.2000 for which petitioner has been denied salary
may be treated as period of waiting for posting.

3. Earlier the petitioner had approached this Court by filling
C.W.J.C No. 11902 of 2004 for the same relief. By order dated
06.08.2010 this Court has denied to interfere with the order of
punishment with regard to withholding of salary for the period
01.01.1997 to 05.04.2000. Against the order dated 06.08.2010 passed
in C.W.J.C No. 11902 of 2004 the petitioner has filed LPA No. 1482
of 2010. By order dated 07.07.2011 in the said LPA the Division
Bench of Court has clarified the order of the learned single Judge to
the extent that appellant's period of service during which he was



waiting, if any, for posting shall not be treated leave period.

4. However, the respondents have not treated the period from 01.01.1997 to 05.04.2000 as period of waiting for posting. The respondents have filed their counter affidavit. Their specific case is that service of the petitioner was returned to the Water Resourced Department on 08.01.1996 but he submitted his joining on 14.10.11996 then he was posted to Zonal office, Daltonganj but he did not join the duty. As such the petitioner remained under waiting for posting only for the period 14.10.1996 to 31.12.1996 and remained absent from duty in unauthorized manner for the period 01.01.1997 to 05.04.2000.

5. No rejoinder has been filed disputing or denying the aforesaid assertions made by the respondents.

6. In view of the aforesaid uncontroverted assertion made by by the respondents, there is no occasion for this Court to issue any direction in favour of the petitioner as the order has been passed after considering all aspects of the matter.

7. The writ petition is devoid of merit and the same is dismissed.

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

(**Madhuresh Prasad, J**)

