

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1632 of 2015

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Faiyaz Ahmad son of late Mukhtar Ahmad, resident of mohalla- Kalali Bagan,
P.S.- Dhanbad town, district- Dhanbad, Jharkhand Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Govt. of Bihar, Patna.
2. The Director, General of Police Bihar, Patna.
3. The Inspector General of Police Bihar, Muzaffarpur.
4. The Deputy Inspector General of Police Champaran range, Bethiah.
5. The Superintendent of Police District, West Champaran.

.... Respondents

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Appearance :

For the Petitioner : Mr. Siyaram Shahi, Advocate and
Md. Anisur Rahman, Advocate

For the Respondents : Mr. S.RAZA AHMAD, AAG 5 and
Mr. Alok Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 18-06-2018

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

2. The petitioner was placed under suspension on
17.5.1996 (Annexure 1) in contemplation of the proceedings while
he was posed as Officer in charge of Dhanha Police Station in the
District of Madhubani at Bettiah. Finally, he has been exonerated of
the charges on 24.9.2008. In the meantime, his suspension was
revoked by order dated 1.12.1998 (Annexure 3) which is a District
Force Order no. 2797 dated 1.12.1998/DO No.2019/98. The
petitioner has approached the authorities for payment of his salary
for the period of suspension, i.e., from 17.5.1996 till 30.11.1998



since he has also been exonerated from the charges and as a consequence of his exoneration he would be entitled to arrears of salary for the period of suspension.

3. Counter affidavit has been filed in the instant case. Respondents in the counter affidavit have stated that the Superintendent of Police, Bettiah has directed his Head clerk/Accountant to make the payment of petitioner's arrear of salary from 17.5.1996 to 30.11.1998 immediately, under Memo no. 02/Legal Cell dated 9.1.2017.

4. Claim for arrears of salary for the period 17.5.1996 to 30.11.1998 thus stands admitted. The petitioner is aggrieved by the consequential action of the respondents. By referring to the pay bill attached (Annexure A to the counter affidavit), learned counsel for the petitioner submits that the entire arrears for the said period has not been paid to him inasmuch as certain period has been treated to be an Earned leave and otherwise. The petitioner has filed supplementary affidavit wherein he has also placed reliance on Letter No. 268 dated 25.3.2017 issued by the DIG, Champaran Range, Bettiah wherein the Superintendent of Police, West Champaran at Bettiah has been directed to ensure payment of arrears of salary to the petitioner for the period 1.11.1997 to 30.11.1998 and to file a counter affidavit to this effect in the instant



writ proceedings. In spite of such direction issued by the DIG of Police in respect of petitioner’s claim, till date entire arrears of the salary in question, has not been paid to him.

5. The writ petition is therefore disposed of with a direction that the Superintendent of Police, West Champaran at Bettiah (respondent no.5) shall ensure payment of arrears of salary from 17.5.1996 to 30.11.1998 to the petitioner in compliance of his direction dated 9.1.2017, which is Annexure A to the counter affidavit filed by the respondent authorities. The entire admissible dues arising out of the decision shall be paid to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.6.2018
Transmission Date	NA

