

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.534 of 2016

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1. Dinesh Prasad Singh Son of late Raghubans Pd. Singh Resident of Village-
Jalalgarh, P.O Jalalgarh, P.S Jalalgarh , District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resource Department,
Government of Bihar, Patna
2. Engineer -in-Chief (Middle), Water Resource Department, Government of Bihar,
Patna
3. The Chief Engineer, Water Resources Department, Dehri.
4. Superintending Engineer, Durgawati Construction Anchal Bhitribandh Chanari
(Rohtas)
5. Executive Engineer, Durgawati Righ Bank Canal Chemari (Rohtas)
6. Sub-Divisional officer, Durgawati Righ Bank Canal sub-division No. 3,
Malhhipur (Chemari)
7. The Chief Engineer, Water Resources Department, Bhagalpur.
8. Superintending Engineer, Irrigation, Circle, Kharagpur (Munger)
9. Executive Engineer, Irrigation Division Tarapur (Munger)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Poddar Suresh Gandhi, Adv.

For the Respondent/s : Mr. Sharad Kumar Sinha, G.P.15

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 03-04-2018

None appears for the petitioner. Learned counsel for the State is present and submits that whatever the dues found admissible to the petitioner has been paid and explained in paragraph 5 of the counter affidavit.

The petitioner seeks a writ in the nature of mandamus commanding the respondents to make payment of salary for the period:

(a) July, 2013 to December, 2013 and

(b) January 2006 to August 2008.



The petitioner is a Junior Engineer and claims posting at Munger District.

A counter affidavit is filed in response to the grievance raised and paragraph 5 of the counter affidavit gives the following details of payment made to the petitioner:

(a) Salary for the period 01.7.2013 to 10.7.2013, 22.07.2013 to 24.07.2013 and for the period 30.12.2013 to 31.12.2013 which has been allowed through letter of the Executive Engineer dated 29.1.2016.

(b) Salary for the period January, 2006 to July 2008 which has been allowed vide letter dated 28.5.2014 of the Executive Engineer. The letters are enclosed at Annexure-A series to the counter affidavit.

It is stated at paragraph 6 of the counter affidavit that the payment is based on the absentee of the petitioner so received from the Executive Engineer, Durgawati Right Bank Canal, Sub division No.3, Malhhipur (Chemari) as contained in his letter No.879 dated 5.12.2016 mentioned in paragraphs 5 and 6.

Having heard learned counsel for the State and considering the explanation given in paragraphs 5 and 6 of the counter affidavit which gives the details of the salary dues as found admissible to the petitioner, I deem it proper to give liberty to the petitioner to raise his



grievance for the period the salary has been withheld to be raised before the appropriate authority together with supporting papers especially where it is the stand of the respondents that the payment is based on his absentee and it goes without saying that any such claim raised by the petitioner would be disposed of by the authority concerned by speaking order to be passed within 3 months of its filing.

The writ petition is disposed of.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.04.2018
Transmission Date	NA

