

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13225 of 2010

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Bindu Kumar S/O Nand Lal Mal R/O Mohalla- Amla Tola, Katihar, P.S.- Katihar,
Distt.- Katihar, At Present Posted As Assistant Engineer, N.R.E.P., Rural
Development Department, West Champaran, Bettiah

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Road Construction Department, Government Of Bihar,
Nirman Bhawan, Patna
3. The District Magistrate, Katihar, Distt.- Katihar
4. The Deputy Development Commissioner The National Rural Employment
Programme, Rural Development Department, West Champaran, Bettiah

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. FAROQUE MOAZZAM
For the Respondent/s : Mr. (AAG11)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 02-11-2018

The present writ petition has been filed for payment of salary for a period of four months of the year 2007 and further for payment of salary with effect from February, 2008 to till date.

It appears that learned counsel appearing for the petitioner had passed away during the pendency of the present writ petition whereafter, a notice was sent to the petitioner through the Superintendent of Police, Katihar as well as through the Principal Secretary, Road Construction Department, Govt. of Bihar, Patna which had been validly served but still the petitioner has failed to make representation either in person or through a duly appointed



Advocate. Hence, this Court has no option but to proceed with the matters on merit.

The learned counsel for the respondent has referred to the counter affidavit filed on behalf of the respondent No.4 and has submitted that in paragraph No.3, it has been clearly stated that the outstanding salary for the year 2007 has already been deposited in the account of the petitioner and as far as salary of the period of February, 2008 onwards is concerned, the respondents had found that the petitioner had committed several irregularities hence enquiry was made and a FIR being Shikarpur P.S. Case No.43 of 2008 dated 21.02.2008 was lodged whereafter the petitioner has willfully and negligently absented from his job with effect from 01.03.2008, hence, the salary is not being paid.

In view of the uncontroverted stand taken by the State, I do not find any merit in the present writ petitioner. Accordingly, this writ petition is dismissed.

(Mohit Kumar Shah, J)

Sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12/11/2018
Transmission Date	NA

