

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 1623 of 2015

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Anil Kumar Mishra son of Shri Nand Kumar Sharma resident of Village and P.O.-
Shitalpur, P.S.- Daudpur, District- Saran, presently residing near Ideal Public
School, Gudari Chhawani, Chapra Pin- 841301

.... Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna
3. The Superintending Engineer, Public Health Engineering Circle, Saran at Chapra
4. Mahanth Yadav son of Shri Sudama Yadav, resident of village & P.O.- Kasaura, P.S.- Bansdih Road, District- Balia (U.P.)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Shashi Shekhar Tiwary, Advocate
For the S t a t e : Mr Ramadhar Singh, GP XXV

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 18-06-2018

Heard learned counsel for the petitioner and the State.

2 The petitioner has approached this Court for a direction upon the respondents to ensure payments of arrears of salary for the period, part of November, 1996 and from January 1997 to 15.02.1999.

3 The short point in this case is that the petitioner's absorption as Blue Printer has been brought to an end under order dated 15.02.1999 issued by the Superintending Engineer, Public Health Engineering Circle, Chapra. The petitioner challenged the said order by filing *CWJC No 2640 of 1999* which came to be dismissed



for non-appearance on 15.01.2004. The petitioner's counsel submits that in case of others in respect of which similar orders were passed bringing to an end their services, this Court granted relief. He, therefore, filed a second writ petition bearing *CWJC No 19215 of 2012* challenging termination of his services under order dated 15.02.1999. Taking note of the fact that in the earlier round of litigation, the writ petition has been dismissed for non-prosecution, this Court, under order dated 13.01.2014 passed in *CWJC No 19215 of 2012*, dismissed the writ petition filed by the petitioner.

4 He challenged the said order by filing *LPA No 1537 of 2014*. The Division Bench, considering the fact that the petitioner was removed in the year, 1999 and that he was being heard in the year, 2016 after rejection of his two earlier writ petitions, dismissed the appeal filed by the petitioner under order dated 08.01.2016.

5 In the aforesaid background, the petitioner's counsel confines his prayer to payments of admissible dues for duties performed prior to termination of his services. He has claimed that he was not paid salary for part of November, 1996 and from January, 1997 to 15.02.1999.

6 The fact that the petitioner was paid salary for part of November, 1996 and that he was not paid salary from January, 1997 to 15.02.1999 is not disputed by the respondents in the counter



affidavit filed by them. It is also admitted in paragraph 12 of the counter affidavit that the petitioner had continued to work till 15.02.1999.

7 Having considered the aforesaid stand of the respondents, this Court is of the opinion that interest of justice would be served by allowing the petitioner liberty to approach respondent No 3 with his claim for salary, for the aforesaid period. On such claim being made, respondent No 3 would be obliged to consider the admissible dues with reference to the petitioner's attendance and the quantum of wages/salary admissible to the petitioner.

8 If the dues are found admissible, the same shall be paid to the petitioner. The petitioner would be obliged to submit his claim within a period of four weeks from today. Respondent No 3 shall take a final decision by a reasoned and speaking order and pay admissible dues to the petitioner within a period of eight weeks thereafter.

9 The writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.06.2018
Transmission Date	NA

