

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11272 of 2015

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Veenapani w/o Sri Gajendra Prasad Himanshu, Resident of village- Paridah,
Police Station- Hasanpur, District- Samastipur. Petitioner/s

Versus

1. The State of Bihar through the chief Secretary, Old Secretariat, Patna.
 2. The Principle secretary, Human Resources Department, Govt. of Bihar, Patna.
 3. Director, Secondary Education, Budh Marg, Patna.
 4. Accountant General, Bihar, Patna. Respondent/s
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Appearance :

For the Petitioner/s	:	Mr.Sarva Deo Singh
For the Respondent/s	:	Mr. Rakesh Ranjan
For the AG	:	Mr. L.P.K. Rajaquihar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 20-12-2018 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State.

Petitioner is aggrieved by the order contained in Memo No. 360 dated 16.5.2013 whereby the State Level Grievances Redressal Committee has rejected the representation of the petitioner. The grievance of the petitioner is confined to firstly that the petitioner's transfer was stayed by this Court yet he was not allowed to join and as a result thereof petitioner has not been paid salary by the respondents on account of no work no pay.

The second grievance of the petitioner is that petitioner was entitled to the benefit of increment but that was not extended to the petitioner. The other grievance has been redressed by the respondents.



Considering the fact that this writ petition was filed on 28.07.2015 after service of two advance copies to the office of Advocate General but due to reluctance of the respondents, counter affidavit has not been filed which resulted into keeping the matter pending for the last three years and the writ petition was not disposed of.

Considering the aforesaid facts and circumstances, the Court directs the Director, Secondary Education to examine the record to ascertain whether for the period the petitioner was not paid salary during which the petitioner's transfer order was stayed by the Hon'ble Court and if it is found that the order of the High court was in favour of the petitioner i.e. the stay order of transfer, the respondents have to work out and ensure payment of salary for the aforesaid period which is covered by the stay order by the Hon'ble High Court. Similarly, the respondents have to take appropriate decision with regard to grant of increment which is otherwise admissible to the petitioner on account of continuity of the service and increment was not paid earlier, the same should be paid to the petitioner.

Necessary decision in this regard may be taken by the respondents within a period of four months from the date of receipt/production of a copy of this order.



The Director, Secondary Education is also required to examine the claim of the petitioner in the light of the decision taken by the respondents in relation to similarly circumstanced Ali Ahmad Khan, assistant teacher, B. N. Collegiate, Patna while taking appropriate decision in the case of the petitioner. If the respondents fails to take appropriate decision and grant of consequential benefit within the time frame indicated hereinabove, the arrears would carry interest at the rate of 9 per cent from the date of accrual to the date of actual payment.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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