

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2513 of 2016

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Bidya Nand Prasad S/o Late Mukhi Prasad Resident of Village - Maula
Nagar, P.O. P.S. - Surajgarha, District - Lakhisarai.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Water Resources Department, Govt. of Bihar, Patna
2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
3. The Engineer-in-Chief North, Water Resources Department, Govt. of Bihar, Patna.
4. The Chief Engineer, Water Resources Department, Valmikinagar Motihari.
5. The Superintending Engineer, Drainage and Investigation Circle, Water Resources Department, Motiha
6. Sri Yogendra Prasad Singh, the Executive Engineer, Sikrahana Embankment Division, Motihari.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar & Mr. Uday Pratap Singh
For the State	:	Ms.Pushpanjali Sharma, AC to Sc 20
		Mr. Syed Uqbal Ahmad, SC 20
For respondent No. 6	:	Mr. H.S.Sundaram

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-03-2019 Heard learned Counsel for the petitioner and the

learned Counsel for the respondent State.

The writ petition has been filed for four reliefs. Relief No. 1 is to treat 10.4.2015, 11.4.2015, 2.5.2015 and 3.5.2015 as casual leave and to pay salary of the petitioner for these four days. Relief No. 2 is claiming House Rent Allowance from December 2014. Relief No. 3 is claiming salary for June, July and December, 2015. Relief No. 4 is claiming third, fourth and fifth installments of arrears of salary on account of grant of 6th



pay scale.

In respect of first prayer the uncontroverted stand in the counter affidavit is that after show cause for absence on the said four days the charge memo on Prapatra क has been has been prepared and send to the Water Resources Department by the Chief Engineer to initiate proceeding against the petitioner for absence on these four days as well as other misconduct. The second relief of the petitioner regarding house rent has been responded in the counter affidavit by saying that arrears of House Rent Allowance of the petitioner would be calculated and necessary steps taken for its payment as soon as the correct pay slip is received. From the Finance (Personnel Claim Fixation Cell) Department, Bihar. The salary for June, July and December er 2015 are said to have been paid to the petitioner vide Bill No. 128E/2015-16 and 94E/2015-16. The fourth claim for third, fourth and fifth installments on account of 6th pay scale has been considered by the authorities and response made in para 7 of the counter affidavit. It has been stated that Executive Engineer, Sikrahna Embankment Division, Motihari has requested the Chief Engineer, Water Resources Department, Darbhanga under communication dated 30.3.2015 to make the position clear. Reminder has also been sent on 30.12.2015. As



soon as the required information is made available necessary steps will be taken for payment of arrears of salary consequent to 6th pay scale.

The second and fourth reliefs are still being processed by the authorities in view of the stand taken in the counter affidavit, which has not been controverted by filing any rejoinder thereto.

The respondent authorities should ensure that the process which is said to be pending and which has been taken note of in this order is completed by the respondent authorities and a reasoned and speaking order in respect of petitioner's claim be communicated to the petitioner within a period of three months from the date of receipt/production of a copy of this order.

The writ petition stands disposed of.

(Madhuresh Prasad, J.)

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