

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4938 of 2019**

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Kumar Subhash Chandra, Son of Raghunandan Prasad Yadav, Upper Division Clerk, District Public Informant Cell, District-Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Rural Development, Government of Bihar, Patna
2. The Principal Secretary, Department of Rural Development, Government of Bihar, Patna
3. The District Magistrate, Khagaria
4. The Deputy Collector (Establishment), Khagaria

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Pramod Mishra, Advocate  
For the Respondent/s : Mr. Anjani Kumar (AAG-4 )

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL JUDGMENT**

**Date : 29-03-2019**

Heard Mr. Pramod Mishra, learned counsel for the petitioner and Mr. Sanjay Kumar, learned AC to AAG-4.

2. The petitioner, who is presently working as Upper Division Clerk in the District Public Information Cell has come before this Court for a direction to the respondent authorities to pay him his salary since 18.12.2011 which is not being paid to him.

3. It has been submitted on behalf of the petitioner that he was suspended on 18.12.2011 in contemplation of a departmental proceeding. However, by



order dated 06.10.2012, the order of suspension of the petitioner was revoked by the respondent no. 3 and the petitioner was directed to give his joining in Allauli Block.

4. Thereafter, in the departmental proceeding which ensued, the petitioner was subjected to a punishment of stoppage of two annual increments with cumulative effect by order dated 29.06.2016. In the aforesaid order contained in Memo No. 641 referred to above, there is no stipulation with respect to payment of any salary during the period of suspension or thereafter.

5. After the order passed by the disciplinary authority directing for stopping two annual increments with cumulative effect, the petitioner was posted at the present assignment where he is working, but since 2011 till the revocation of suspension, he has not been paid his salary. The salary of the petitioner has not been paid thereafter also even when the suspension of the petitioner was revoked.



6. There is no justification for holding back the salary, it has been argued on behalf of the petitioner, when the petitioner is serving and work is being taken from him.

7. Learned counsel for the petitioner has drawn the attention of this Court to the fact that the name of the son of the petitioner is likely to be struck off from the attendance register of the college because of non-payment of fees. Obviously, therefore, there is urgency in the matter and the concerned respondents ought to look into it and pass a reasoned order in accordance with law with promptitude.

8. To facilitate the entire process of disposal of the grievances of the petitioner, the petitioner is directed to make a detailed representation before the District Magistrate, Khagaria (respondent no. 3) within a period of two weeks from today. On such representation, the respondent no. 3, shall after verifying the records, pass an order preferably within a period of three weeks thereafter.



If the claim of the petitioner is found to be tenable,  
necessary sequel order shall be passed immediately.

9. With the aforesaid direction/observation, the  
writ petition is disposed of.

**(Ashutosh Kumar, J)**

krishna/-

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