

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2338 of 2016

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Mahabir Prasad Son of late Motilal Sah Resident of Chitnawa, Police Station
Maner, District Patna. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Water Resource
Department, Government of Bihar, Patna
2. The Engineer-in-chief, Water Resources Department Government of Bihar,
Patna.
3. The Additional Secretary, Government of Bihar, Patna.
4. The Chief Engineer, Water Resources Department, Muzaffapur.
5. The Superintending Engineer, Tirhut Canal Division Saraya, Muzaffapur.
6. The Executive Engineer, Tirhut Canal Division Saraya, Muzaffapur.
7. The Assistant Engineer, Tirhut Canal Division Saraya, Muzaffapur

..... Respondents

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Appearance :

For the Petitioner : Mr. Shivendra Kumar Sinha, Advocate
For the State : Mr. Lokesh Kr. Singh, AC to AAG 13

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 31-01-2019 Heard learned counsel for the petitioner as well as
learned counsel appearing for the respondents.

The petitioner was absent from his duty in between
8.8.1996 to 1.5.1998 and from 13.7.1996 to 7.8.1996. Referring
to averments made in the writ petition, it is submitted that the
petitioner was on leave for his own treatment.

No proof has been annexed of such treatment. The
issue was raised by the petitioner before the authorities as the
long absence of the petitioner for about 27 months was earlier
treated by the authorities as break in service. After the matter
was considered, the Additional Secretary of the Water Resource
Department, Government of Bihar under letter dated 13.4.2012



has treated the aforesaid period for absence as extra ordinary leave without pay in stead of break in service.

Writ petition has been filed four years thereafter. Counter affidavit of the respondent State has reiterated the same reasons which has been assigned by the Additional Secretary in the impugned order dated 13.4.2012 as the petitioner was absent from the duty for about 27 months the said period has been treated as extra ordinary leave without pay.

There is no occasion for this Court to interfere with the said order. There is no provision that such long absence of the petitioner can be treated to be otherwise for which he may be granted salary for the said period.

Writ petition is dismissed.

(Madhuresh Prasad, J)

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