

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6694 of 2015

- 1.1. Malti Singh, Widow of late Ratan Kumar Singh, Resident of Flat No. L-2/25 Sri Krishanpur (Boring Road) P.S. Sri Krishnapur, District- Patna.
- 1.2. Manik Kumar Singh, Son of late Ratan Kumar Singh, Resident of Flat No. L-2/25 Sri Krishanpur (Boring Road) P.S. Sri Krishnapur, District- Patna.
- 1.3. Avinash Kumar Singh, Son of late Ratan Kumar Singh, Resident of Flat No. L-2/25 Sri Krishanpur (Boring Road) P.S. Sri Krishnapur, District- Patna.

... .. Petitioners

Versus

1. The State Of Bihar through the principal Secretary, Urban Development Department New Secretariat Vikas Bhawan Baily Road, Patna
2. Principal Secretary, Water Resources department Government of Bihar, Sinchai Bhawan, Patna.
3. Engineer -in- Chief Water Resources department Government of Bihar, Sinchai Bhawan, Patna.
4. Patna Municipal Corporation, through the Municipal Commissioner, Maurya Lok, Block-'C', P.S. Kotwali Patna
5. The Additional Municipal Commissioner Establishment Patna Regional Development Authority-now dissolved -cum Patna Municipal Corporation, Maurya Liok, Block C, PS Kotwali, Patna

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Kishore Kumar Thakur
For the State	:	Mr. Anwar Karim
For Corporation	:	Mr. Ranjeet Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 18-06-2019 The writ petition has been filed claiming earned leave to the petitioner in respect of absence from service for a particular period and other financial benefits.

The stand in the pleadings is that the matter is under process and the dues would be paid after formalities are completed by the State Government as well as office of the Accountant General.



Disputed issue which survives is salary for the period 9.9.2010 till February 2011. The petitioner has brought on record some documents including Annexure 6 to show that he had submitted his joining and there is no occasion for treating this period as absence of the petitioner.

In the circumstances earlier this Court had directed the respondent State as well as the Corporation to examine the records in the office and come out with the stand regarding the said period of alleged absence between 9.9.2010 to February 2011 on the basis of records in the office of the Corporation.

The Municipal Commissioner has examined the entire issue and on 22.4.2019 has issued an order. It is the specific stand of the Municipal Commissioner that the records in the office do not support the claim of the petitioner that he had submitted his joining during the said period. It is submitted that the petitioner was implicated in some criminal cases and that during the said period he was not attending his duties and was continuously absent from 9.9.2010 to February 2011.

Counsel appearing for the petitioner has straneously urged that if the records are called for the same would belie the stand taken by the Corporation as the records would show that the petitioner was very much present in the office.



The stand taken by the parties gives rise to dispute issues of fact. The order of the Municipal Commissioner dated 22.4.2019 has dealt with entire issue on the basis of records available in the office of Corporation which this Court does not find any reason to doubt. The claim for salary for the period 9.9.2010 till February 2011 made by the petitioner is, therefore, not an admitted claim and therefore this Court refrains from issuing any direction for grant of salary for the said period.

In respect of other claims, excluding the claim for salary for the said absence period, this Court would observe that in the light of the stand taken by the respondent authorities, they should ensure actual payment thereunder expeditiously and without any undue delay, preferably 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)

SNkumar/-

U			
---	--	--	--

