

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 20532 of 2014

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Umesh Chandra Singh @ Umesh Chandra Sinha, son of Late Shyam Nandan Singh Resident of Village - Naya Tola Banauli, P.O. Raipur (Mahadeo) P.S. Saraiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna
2. The Director, Department of Panchayati Raj, Govt of Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Deputy Development Commissioner -cum- Chief Executive Officer, Zila Parishad, Siwan.
5. The District Engineer, Zila Parishad, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Jeetendra Narayan, Advocate
For the Respondent/s : Mr Mahtab Alam, AC to SC XX

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 06-08-2019

Heard learned counsel for the petitioner and the respondent-State.

2 Petitioner retired as Accountant -cum- Head Clerk under the Zila Parishad, Siwan on 31.12.2011.

3 Writ petition has been filed claiming salary for strike period between 07.01.2009 to 09.02.2019 (34 days) in light of the decision of the State Government dated 20.02.2014 (Annexure 6) whereby the Finance Department resolved in respect of dues for the said period. He has also claimed salary for the period during



which he was paralyzed for which he had given several representations which are Annexure 7 series to the writ proceedings.

4 Counter affidavit, that has been filed by the Zila Parishad, merely states that subject to availability of funds from the State Government, the admitted dues of the petitioner will be paid immediately.

5 This stand of the Zila Parishad was based on record as far back as in July, 2015. Learned counsel for the petitioner submits that till date, payments have not been made.

6 Such a situation, where the dues of the petitioner are not considered or paid by the Authorities for four years, cannot be countenanced. It is not as if the Zila Parishad is not functioning and that the working officials and staff are not being paid their salary regularly. Claim of the petitioner cannot be kept pending inordinately in the manner in which it has been done in the instant case.

7 Writ petition is, therefore, disposed of with a direction to respondent No 4 to consider the petitioner's claim in terms of the Government decision and in light of his representation (Annexure 7) and pay the admitted dues to the petitioner positively



within a period of three months from the date of receipt/production of a copy of this order.

8 Petitioner would be entitled to details of calculation showing the amounts found admissible.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.08.2019
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