

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14017 of 2019

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Md. Shamsul Haque Son of late Shamsuddin, Resident of Village- Arya Tola Fatehpur, Police Station-Sabour, District- Bhagalpur, Presently Posted as Clerk in the Office of Sub- Divisional Agriculture Officer, Bhagalpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Department, Agriculture, Bihar, Patna.
2. The Director, Department of Agriculture, Bihar, Patna.
3. The District Magistrate, Bhagalpur.
4. The Joint Director, Department of Agriculture, Bhagalpur Division, Bhagalpur.
5. The District Agriculture Officer, Bhagalpur.
6. The Sub-Divisional Agriculture Officer, Bhagalpur, District- Bhagalpur.
7. Bibi Rabiya Khatoon, D/o Shahid Khan, Resident of Village- English Chichron, Police Station- Akbarnagar, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Swapnil Kumar Singh, Advocate Mr. Md. Najmul Hodda, Advocate
For the Respondent/s	:	Mr. Prabhat Kumar, AC to GA 11

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 15-07-2019

Heard the learned counsel for the parties.

2. The petitioner is aggrieved by the order dated 15.05.2019 contained in Memo No. 93 passed by the Sub-Divisional Agriculture Officer, Bhagalpur who has directed for non-payment of salary of the petitioner till further orders. The reason assigned in the two aforesaid line order is that the petitioner did not make available the photocopy



of the passbook in the office of the Block Agriculture Officer within 24 hours.

3. It has been submitted on behalf of the petitioner that the photocopy of the passbook has already been furnished by the petitioner. He has further submitted that in the matrimonial dispute between the petitioner and his wife, there was an out of court settlement of making available to his wife 35% of the salary of the petitioner. 35% salary of the petitioner was being deducted from the office but because of some clerical mistake, for two months, such deductions could not be made.

4. It has been submitted that in order to cover up for the deficiencies of the office, the petitioner has been punished so as to create a defence that it was because of the petitioner not furnishing the photocopy of the passbook within 24 hours that payment has not been made and therefore he has been temporarily punished with the order of stoppage of salary till further orders.



5. The order it has been argued will have impact on the payment module to the wife of the petitioner as well.

6. The order does not display any reason or application of mind.

7. If the photocopy of the passbook has been furnished by the petitioner and deduction is being made for the purposes of payment to the wife of the petitioner, the aforesaid order of the Sub-Divisional Agriculture Officer, Bhagalpur be immediately recalled. Necessary order shall be passed by the Sub-Divisional Agriculture Officer, Bhagalpur within a period of one week of the receipt/production of a copy of this order.

8. The writ petition stands allowed.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.07.2019
Transmission Date	

