

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4666 of 2015

Vinay Kumar Verma S/O Vindwashi Prasad Verma, Retired Head Clerk,
Chackbandi Office, Samastipur. At Present residing at Mo- New Colony,
Dharmpur, P.O- Samastipur P.S.- Samatipur District- Samastipur Bihar.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Director, Consolidation of Holding chackbandi Bihar, Patna.
4. The Deputy Director, Consolidation of Holding chackbandi, Bihar Patna.
5. The District Magistrate-cum-Collector, Samastipur.
6. The Deputy Collector Establishment, Samastipur.
7. The Circle officer-cum-Consolidation Officer Kalayanpur, Samastipur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sinha
For the Respondent/s : Mr.Rakesh Prashant, AC to SC 21

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 03-05-2019 Heard learned Counsel for the petitioner and the
learned Counsel for the State.

The petitioner had been denied the benefit of salary
for the period from 15.1.1991 to 24.10.2002, i.e. the period
during which he was under suspension.

Referring to the judgment of the Apex Court in the
case of *Anwarun Nisha Khatoon Vs. The State of Bihar & ors*,
reported in *(2002) 6 SCC 703*, he submits that he would be
submitting a certificate under Rule 96(2) Bihar Service Code



before respondent No. 3 along with his application showing the reason for non marking of attendance during the said period so as to request respondent No. 3 for payment of salary for the entire period.

Let such application along with the certificate be submitted by the petitioner before respondent No. 3 within a period of four weeks from today. In the event the same is done, respondent No. 3 should take a decision on the claim of the petitioner. In this regard this Court would observe that if the certificate is found to be worth consideration then the order dated 5.10.2012 earlier passed by the Director Chakbandi (respondent No. 3) shall not stand in the way of respondent No. 3.

Let consideration be done and the final orders passed on the claim of the petitioner within a period of eight weeks from the date of submission of the application and the certificate.

The writ application stands disposed of.

(Madhuresh Prasad, J)

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