

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14825 of 2019

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Avinash Chandra, aged about 50 years, male, Son of late Saryu Prasad Singh,
Resident of Village Ghoshwari, P.S. Bakhtyarpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Agriculture Department,
Bihar, Patna.
2. The Director Horticulture, Horticulture Directorate, Bihar, Patna.
3. The District Horticulture Officer, Patna.
4. The Sub-Divisional Horticulture Officer, Danapur District-Patna.
5. The Sub-Divisional Horticulture Officer, Biharsharif, District- Nalanda.
6. The Commissioner Agriculture Production, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binit Kumar, Adv.
For the Respondent/s : Mr. Raghwanand, GA-11
Mr. Sanjay Kr. Tiwari, AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 26-07-2019

The petitioner has approached this Court
for a direction to the concerned respondent to pay his
salary for the period 22.04.1992 to 14.02.1996. The
salary of the petitioner was not paid because of some
confusion as in which office he worked for that period.



2. The learned counsel for the petitioner has submitted that the petitioner was appointed on compassionate ground in the Department of Agriculture some times in the year 1992 and, thereafter, he has regularly been discharging his duties. Only for four years of his tenure as Gardener, he has not been paid his salary, but later his salary was paid and he has also been accorded the benefit of A.C.P.

3. It has further been submitted on behalf of the petitioner that when several representations were made by the petitioner for making available to him the arrears of salary for the four years, which has been detailed in this petition, a show-cause notice was issued to him by the Director, Horticulture Directorate, Bihar, Patna and the petitioner was asked to reply as to for the period 22.04.1992 to 14.02.1996, why was he not paid.

4. Though, the aforesaid question was not required to be answered by the petitioner, but by the Department only; nonetheless reply to the aforesaid



notice was filed by the petitioner indicating that there was no reason for not paying him the salary for those four years.

5. Despite the petitioner having furnished his show-cause reply, no order has been passed by the concerned respondent.

6. The petitioner, under the aforesaid circumstances, is directed to make a representation before the Director, Horticulture Directorate, Bihar, Patna (respondent No. 2), detailing his grievances, within a period of two weeks from today, who, on receipt of the same and taking into account the reply furnished by the petitioner earlier to the show-cause notice, shall pass a reasoned order in accordance with law within a further period of six weeks thereafter.

7. Needless to state that if the claim of the petitioner is found to be tenable, payment of the arrears of salary for four years ought to be made forthwith to him without any delay.

8. With the aforesaid observation/direction,



the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.07.2019
Transmission Date	N/A

