

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17548 of 2019

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Harun Rasid, son of late Shekh Jamil Ahmad, Resident of village -
Bheriyarwa, P.S.- Ramgharwa, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue land and Reforms department, Govt. of Bihar, Patna.
2. The District Magistrate, East Champaran at Motihari.
3. The Deputy Collector (District Establishment), East Champaran at Motihari.
4. The Circle Officer, Motihari Circle East Champaran at Motihari.
5. The Circle Officer, Mehsi Circle, East Champaran.
6. The Circle Officer, Adapur Circle, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate
For the Respondent/s : Mr. Raj Kishore Roy, G.P.-18

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 22-10-2019

Heard learned counsel for the parties.

2. The petitioner was working as Revenue Clerk in the office of Circle Officer, Adapur, in the district of East Champaran. He has grievance that he has not been paid his salary for the period 2008 till November, 2017.

3. It appears from the pleadings on record that the petitioner was arrested on 06.11.2017 on the ground of commission of an offence punishable under the Bihar Prohibition and Excise Act, 2016, and subsequently, based on a Departmental Proceeding, he has been dismissed from service.



4. Be that as it may, in the facts and circumstances of the case, this application is disposed of with a direction that let the District Magistrate, East Champaran, take a decision on the petitioner's claim for payment of salary for the period as noted above.

5. It is made clear that if the District Magistrate is of the opinion that the petitioner is not entitled to payment of salary for the said period, he will be required to pass a reasoned order, otherwise, the petitioner shall be paid his entitlements within three months from the date of decision of the District Magistrate in this regard. The District Magistrate will be required to take a final decision within a period of three months from the date of receipt/production of a copy of this order.

6. It goes without saying that the District Magistrate, while considering the petitioner's claim of payment of salary, shall also examine the petitioner's claim for payment of subsistence allowance for the period when he had remained under suspension.

(Chakradhari Sharan Singh, J)

S.Ali/-

AFR/NAFR	NAFR
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