

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16536 of 2019

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Mukesh Kumar S/o Late Ram Sharan Singh Resident of Mohalla-Bhusunda
Near Devi Sthan, P.S.-Manpur, District-Gaya, at Present Posted as Junior
Accounts Clerk, Minor Irrigation Division, Gaya

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Principal Secretary, Minor Water Resources Department, Government of Bihar, Patna
4. The Additional Secretary, Minor Water Resources Department, Government of Bihar, Patna.
5. The Chief Engineer, Minor Water Resources Department, (Minor Irrigation) Government of Bihar, Patna.
6. The Superintendent Engineer, Minor Irrigation, Department, Works Circle, Gaya.
7. The Executive Engineer, Minor Irrigation Division Circle, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi, Advocate
For the Respondent/s : Mr. Vishwambar Pd., AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 27-08-2019

Heard Mr. Siya Ram Shahi, learned advocate for

the petitioner and Mr. Vishwambar Prasad, learned AC to

AAG 5.

2. The grievance of the petitioner is that despite

the judgment passed by the learned Single Judge on

21.08.2017 in C.W.J.C. No. 7597 of 2017 and other

analogous cases and affirmation of the aforesaid judgment



in L.P.A. No. 124 of 2018 and other analogous appeals, the benefit of the restitution of the pay of the petitioners has not been accorded to the petitioners.

3. It has been submitted that the benefit was given to the petitioners but later the same was withdrawn. The reasons for withdrawing the aforesaid benefits are absolutely inexplicable. The representations preferred by the petitioner continuously before the Superintendent Engineer, Minor Irrigation, Department, Works Circle, Gaya and other authorities have gone unheeded till date.

4. Under the aforesaid circumstances, this Court directs that in case of a fresh representation is filed by the petitioner within a period of two weeks, the concerned respondent viz. the Executive Engineer, Minor Irrigation Division Circle, Gaya (respondent no. 7) shall pass a reasoned order in accordance with law within a further period of six weeks thereafter stating the reason why the benefit of restitution of pay has not been given to the petitioner. If the claim of the petitioner is found to be



tenable, necessary order giving such benefit shall be passed/caused to be passed within the aforesaid period.

5. Till the time the representation of the petitioner is disposed of by a reasoned order, there shall be no recovery from the salary of the petitioner.

6. With the aforesaid direction/observation, the writ petition stands disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.08.2019
Transmission Date	

