

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19737 of 2019

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Abuzar @ Md. Abuzar son of Abdur Rauf resident of Village- Lahsa, Police Station- Mansahi, District- Katihar, Presently working as Panchayat Teacher at Primary School, Siyalpara under Gram Panchayat Raj Bhimiyal, Block- Balrampur, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department (Primary Education), Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Katihar.
4. The District Education Officer, Katihar.
5. The District Programme Officer (Establishment), Education Department, Katihar.
6. The Block Education Officer, Balrampur Block, Katihar.
7. The Panchayat Secretary, Gram Panchayat Raj, Bhimiyal under Balrampur Block, District- Katihar.
8. The Mukhiya, Gram Panchayat Raj, Bhimiyal under Balrampur Block, District- Katihar.
9. The Headmaster, Primary School, Siyalpara under Balrampur Block, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jibendra Mishra
For the Respondent/s : Mr.Jitendra Kr. Roy 1 (Sc13)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 24-09-2019 The grievance of the petitioner in the present writ application is non payment of salary for the period of 20.08.2010 to 21.12.2010 and from 22.12.2010 to 01.07.2018.

Learned counsel for the petitioner would submit that similar issue was considered by this Court in 15476 of 2019 and the Court on consideration of the decision in LPA No. 1463 of



2012 has disposed of the writ application in the following terms:-

“Considering the aforesaid submission, the writ petition is disposed of with a direction to the respondents to ensure payment of salary for the period 21.8.2010 to 15.2.2013 within a period of 60 days from the date of receipt/production of a copy of this order, so far as the salary for the period of 16.2.2013 to 30.5.2018 is concerned, though the petitioner was kept out employment on a extraneous consideration and illegal consideration and the decision of termination was set aside by the Appellate Court in LPA No. 1463 of 2012 and thereafter, petitioner has been reinstated, the Court directs the respondents to pay 75% of the salary for the aforesaid period of 16.02.2013 to 30.5.2018 as no work no pay is not attracted in the situation when illegally the petitioner was kept out of job. This course has been adopted by this Court having regard to the computing interest of the petitioner and the State exchequer.

Necessary decision in this regard with all consequential benefits as indicated above must be taken by the respondents within a maximum period of 60 days from the date of receipt/production of a copy of this order.”

In view of the discussion in C.W.J.C. No. 15476 of 2019, the present application is also disposed of in similar terms.

(Anil Kumar Upadhyay, J)

Ravi/-

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