

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22314 of 2019

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Surendra Paswan sonof Valeshwar Paswan, residence of village - Bathanaha,
P.S. Bathanaha, District- Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, State of Bihar at Patna.
2. The State of Bihar through secretary of Home (Special) Department,
Government of Bihar, Patna.
3. The Director General Cum Commandant General of Home Guard, Bihar,
Patna.
4. The Divisional Commandant, Home Guard, Tirhut, Division, Muzaffarpur.
5. The District Magistrate, Sitamarhi.
6. The District Commandant, Home Guard, Sitamarhi.
7. The Inspector, Bihar Home Guard, Sitamarhi.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra
For the Respondent/s : Mr. Dhurendra Kumar, AC to (Gp5)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-01-2020 Heard learned Counsel for the petitioner and the
learned Counsel for the respondent State.

Referring to Annexure 4 of the writ petition dated
4.2.2019 Counsel for the petitioner submits that the respondent
authorities realising their mistake have themselves rectified the
petitioner's date of superannuation treating him to be of 19
years on the date on which he had joined the service in 1979 as
Constable Home Guard.

Earlier the authorities had fixed his superannuation
treating him to be of 20 years on the date of his appointment. In



view of such rectification, it is submitted, that the petitioner was entitled to continue till 17.12.2019 instead of 26.12.2018 on which date he was earlier made to superannuate. Having realised their mistake the authorities have themselves corrected the petitioner's date of superannuation, however, petitioner's Counsel submits that he was not allowed to actually perform his duties even after rectification of his date of birth/date of superannuation under order dated 4.2.2019 issued by the Inspector, Home Guard, Sitamarhi.

The result is that the petitioner has not only been deprived of performing his duties for the period in question, but also of the payment of emoluments for the said period which from Annexure 4 is evident that was not on account of any fault of the petitioner.

Counsel for the petitioner submits that in the circumstances he would be approaching the Director General -cum- Commandant General of Home Guard, Bihar, Patna (Respondent No. 3) as now he at best would get payment of emoluments for the period during which he was wrongly deprived from performing his duties and consequential benefits arising therefrom.

In view of such submission, the writ petition is



disposed of. Petitioner would be at liberty to approach respondent No. 3 in respect of his claim. It is made clear that if the application is filed within four weeks, respondent No. 3 shall dispose of the same and pay the petitioner his due and admissible amount of salary within a period of three months thereafter.

The writ petition stands disposed of.

(Madhuresh Prasad, J)

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