

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22873 of 2019

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Sunil Kumar Ranjan Son of Rajeshwar Baitha Resident of 24, Jale, Jalley,
Dharbhanga, Bihar- 847302.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Rural Works Department,
Government of Bihar, Patna.
2. Chief Engineer Rural Works Department, Government of Bihar, Patna.
3. Officer on Special Duty Rural Works Department, Work Division,
Jayanagar.
4. Superintendent Engineer Rural Works Department, Work Division,
Jayanagar.
5. The Executive Engineer Rural Works Department, Work Division,
Jayanagar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anjani Kumar Jha
For the Respondent/s : Mr.Kumar Alok (Sc7)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 08-06-2020 The present writ petition has been taken up for
consideration through the mode of Video conferencing in view
of the prevailing lock-down on account of COVID 19
Pandemic, requiring social distancing.

Heard Sri Anjani Kumar Jha, the learned counsel for the
petitioner and Sri Kumar Alok, the learned counsel for the State.

The present writ petition has been filed for quashing the
letter no. 34 dated 19.1.2018 and letter no. 142 dated 15.2.2018
whereby and whereunder the salary of the petitioner has been
withheld, without affording any opportunity of hearing to the



petitioner herein. A consequential prayer for issuing a direction to the Respondents-State to make payment of the salary, which has been stopped without initiation of any departmental proceeding much less without issuing any show cause notice, has also been made.

The learned counsel for the petitioner has submitted that the respondents have, without affording any opportunity of hearing to the petitioner herein and without issuing any show cause much less initiating any departmental proceeding, withheld the salary of the petitioner for the period 13.11.2017 to 11.12.2017, during which period the petitioner was severely ill and this fact was duly informed to the office of the Executive Engineer concerned through proper mode. It is submitted that similarly, the respondents have also withheld the salary for the period 1.1.2018 to 5.7.2018. It is further submitted that subsequently, by way of an eyewash to cover up the lapse, the respondent concerned had suspended the petitioner and initiated departmental proceeding vide letter dated 7.12.2018, however, subsequently, the suspension of the petitioner was revoked on 31.1.2019. It is thus submitted that the petitioner is liable to be paid the salary for the period, as aforesaid, which the respondents-State has illegally withheld.



Per contra, the learned counsel for the State has submitted that as far as the salary for the period 13.11.2017 to 11.12.2017 is concerned, the same has been withheld on account of voluntarily absence of the petitioner from his services. It is further submitted that as far as the period 1.1.2018 to 5.7.2018 is concerned, the salary for the said period has been withheld on account of indiscipline and negligence in performing the duties qua the petitioner herein.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose of the present writ petition with a liberty to the petitioner to approach the Respondent No. 2 i.e the Chief Engineer, Rural Works Department, Government of Bihar, Patna by filing appropriate representation within a period of six weeks from today with regard to the non-payment of salary for the period 13.11.2017 to 11.12.2017 and 1.1.2018 to 5.7.2018, which has been withheld in violation of the principles of natural justice, without affording any opportunity of hearing to the petitioner herein. It is further directed that the Respondent No. 2 shall consider the aforesaid representation, to be filed by the petitioner, and pass appropriate orders within a period of four weeks thereafter, without being prejudiced by the impugned letters dated 19.1.2018 and 15.2.2018.



The present writ petition stands disposed of on the
aforesaid terms.

(Mohit Kumar Shah, J)

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