

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2823 of 2019

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Shyam Sundar Prasad S/o Late Bindeshwari Prasad Resident of 3MF 8/36
Bahadurpur Housing Colony, P.S. Agamkuan, District- Patna, Permanent
Address Mohalla- Sipahitola, P.S. K.Hat, District- Purnea.

... .. Petitioner

Versus

1. The State of Bihar through its Chief Secretary, Old Secretariat, Patna 800015.
2. The Principal Secretary, Agriculture Department, Govt. of Bihar, New Secretariat, Patna- 800015.
3. The Principal Secretary, Finance Department, Govt. of Bihar, Old Secretariat, Patna- 800015.
4. The Divisional Commissioner, Purnea Division, Purnea- 854301.
5. The District Magistrate, Kishanganj- 855107.
6. The Joint Director, Plant Protection, Bihar, Mithapur Farm, Patna- 800001.
7. The Joint Director Agriculture, Purnea Division, Purnea- 854301.
8. The District Agriculture Officer, Kishanganj- 855107.
9. The Assistant Director, Plant Protection, Purnea (Incharge Kishanganj), Kishanganj- 855107.
10. The District Treasury Officer, Kishanganj- 855107.
11. The District Account Officer, Purnea (Incharge Kishanganj) 854301.
12. The Accountant General, Bihar, Patna- 800001.

... .. Respondents

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Appearance :

For the Petitioner :	Mr. Shantanu Kumar, Advocate
For the Respondent State:	Mr. Dhurjati Kumar Prasad, G.P.-14
For the Account General :	Mr. Chaitanya Suarop, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

8 07-01-2021 This writ application has been filed seeking direction to the respondents to respond to communication dated 15.11.2018, issued by the Accountant General, Bihar (Annexure-1), so that petitioner's payment for pension and gratuity may be authorized. The petitioner has also sought for a direction for payment of salary for the month of November,



2017, which, according to him, has been withheld without any valid reason.

Counter affidavit has been filed on behalf of the respondents. It transpires that the petitioner has been paid his all post retiral dues. In respect of non-payment of salary for the month of November, 2017, it is the case of the respondent State of Bihar that the said amount was not paid to him because the petitioner did not discharge his duty for the said period.

Learned counsel appearing on behalf of the petitioner has drawn my attention to a subsequent communication dated 19.02.2019, issued by the Office of the Accountant General, Bihar, Patna (Annexure-7 to the supplementary affidavit), whereby the Assistant Director, Plant Protection, Purnea, has been requested to furnish the details regarding grant of Assured Career Progression in favour of the petitioner.

In the facts and circumstances of the case, this application is disposed of with an observation that the petitioner shall be at liberty to approach the competent authority for paying his salary for the month of November, 2017. It is further observed that if any representation is made within one month from today, the concerned respondents shall consider the same and if the absence for the said period is found to be adjustable



against admissible leave, the same shall be considered to be granted. The respondents are directed to respond to the said communication of the Accountant General dated 15.11.2018 within four weeks from the date of receipt/production of a copy of this order.

(Chakradhari Sharan Singh, J)

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