

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5361 of 2021

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Parikha Ram Son of Late Gahanu Ram Resident of Village-Powakhali, P.S.-
Powakhali, District-Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Public Health Division, Bihar, Patna.
2. The Chief Engineer, Public Health Division, Purnea, District-Purnea.
3. The Supetintending Engineer, Public Health Circle, Purnea, District-Purnea.
4. The Executive Engineer, Public Health Division, Purnea, District-Purnea.
5. The District Treasury Officer, Purnea, District-Purnea.
6. The Secretary-Cum-Commissioner, Department of Finance, Old Secretariat, Bihar, Patna.
7. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra
For the Respondent/s : Mr. Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 03-02-2022

The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. State counsel accepts notice for the respondents.

3. Counsel for the petitioner is hereby directed to furnish hard copy of the writ petition to the counsel for the State.

4. In the instant petition, petitioner has prayed for the following relief/reliefs:

“That the Petitioner craves indulgence of this Hon’ble Court for issuance of an appropriate Writ in the nature of Mandamus for giving the arrear salary of the petitioner in the light of Order dated 29.10.2018, passed by Executive Engineer, Public Health Division, Purnea as



contained in Annexures-1, 1/1 and ½ and its consequential benefit in retiral dues and pensionary benefit and further for issuance of appropriate Order/Direction for giving statutory interest and also for imposing suitable cost for inordinate delay made by respondents in genuine payment of arrear salary of the petitioner.”

5. Short question for consideration is whether petitioner is entitled to arrears of salary or not? In this regard, petitioner has submitted representations on 27.07.2017 and 11.06.2020 *vide* Annexures 2 and 2/1. The concerned respondent has not acted on the petitioner’s representation, therefore, the concerned authority is hereby directed to decide petitioner’s aforesaid representations within a period of one month from the date of receipt of this order, failing which, the petitioner is entitled to litigation cost and it is quantified @ of Rs. 10,000/-. If the petitioner is entitled to arrears of salary and other benefits, the same shall be calculated and disbursed within a period of one month. If he is not entitle, in that event, speaking order shall be passed as to how his is not entitle and communicate the decision.

6. With the above observations, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

