

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6280 of 2020

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Krishna Deo Paswan Son of Late Ram Ratan Paswan, Resident of Village-Sahasi, P.O.-Sahasi, P.S.-Alauli, District-Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Energy Department, Bihar Sarkar, Patna.
2. Director, Bihar renewal Energy Development Agency, Bihar, Patna.
3. The Deputy Development Commissioner, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Poddar Suresh Gandhi
For the Respondent/s	:	Mr. Subash Prasad Singh(Ga3)
	:	Mr. Prasoon Sinha

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 08-02-2022

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

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

“1. That, this writ petition has been filed in the nature of mandamus for a direction/directions, to the respondent to pay the arrears salary of petitioner from 26.12.2016 to December, 2017 of about 11 months petitioner prayed for following relief/reliefs, direction/directions from this Hon’ble Court.

i. To direct the respondent to pay the arrears of salary of petitioner from 26.12.2016 to December, 2017.

ii. To direct the respondent if petitioner’s statement is correct and his salary has not been paid during the aforementioned period then pay the arrears of salary of above mentioned dates immediately with statutory interest to the petitioner.”



3. In the counter affidavit/statement, the official respondents have taken a decision as petitioner is not entitled to arrears of salary as demanded by him on the score that he remained absence for certain period. In the light of these facts and circumstances, undisputedly the official respondents have not initiated disciplinary proceedings for remaining unauthorized absence by the petitioner, therefore, matter is required to be determined whether petitioner remained unauthorized absence and he is entitled to salary or not? In this regard the concerned competent authority is hereby directed to initiate enquiry and conclude the same within a period of three months from the date of receipt of this order. The enquiry shall be held in accordance with law. It is also noticed for remaining absence appointing authority should have resorted to suspension procedure and such action is also not forthcoming.

4. Accordingly, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

