

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9895 of 2021

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Ram Das S/o- Basant Das Resident of Village- Salempur, P.O.- Mirza Chowki, P.S.- Pirpainti, District- Bhagalpur, the then Labour Enforcement Officer, Laxmipur, District- Jamui, presently under suspension, Head Quarter fixed at the Office of Deputy Labour Commissioner, Munger, Shram Bhavan, ITI Campus, Munger, P.O.- Munger, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Labour Resources Department, Government of Bihar, Patna.
2. The Labour Commissioner, Labour Resources Department, (Labour Wing), Govt. of Bihar, Patna.
3. Deputy Labour Commissioner, Munger Division, Munger.
4. The Assistant Labour Commissioner, Munger Division, Munger-cum-Enquiry Officer.
5. The Labour Enforcement Officer, District- Munger.
6. The Labour Superintendent, District- Jamui.
7. The District Magistrate, District- Jamui.
8. The Subdivision Magistrate, Jamui, District- Jamui.
9. The District Transport Officer, District- Jamui.
10. The District Welfare Officer, District- Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Avanindra Kumar Jha
For the Respondent/s : Smt. Anuradha Singh (Sc21)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 23-06-2022 Parties are in agreement that the suspension of the petitioner being revoked under order dated 27.07.2021(Annexure A).

The grievance of the petitioner does not survive in so far as continuance of the suspension is concerned.

Petitioner's counsel, however, submits that in the said office-order there is a clear stipulation that the petitioner shall be



treated to be as on duty during the period of suspension, however, the consequential monetary benefits have not been paid on full.

In view of the limited grievance remaining, which is based on undisputed fact regarding the period of suspension being considered as on duty, the matter need not be kept pending as no adjudication is pending in the instant application. Interest of the justice should be served if a direction is issued to the authority to pay the balance of the petitioner's entitlement in terms of the office order dated 27.07.2021 bearing Memo No. 2083 issued by the Labour Commissioner, Bihar.

This application is thus disposed of with direction to the Labour Commissioner, Bihar (Respondent No. 2) to ensure payment of the balance of the petitioner's entitlement towards salary for the period of suspension in terms of the order dated 27.07.2021 bearing Memo No. 2083 along with a calculation chart quantifying the entire emoluments paid to the petitioner in compliance of the office order. The payment and calculation chart must be handed over to the petitioner within eight weeks from date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

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