

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9669 of 2020

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Ravi Kumar Son of Late Raj Ballav Rai, Resident of Mohalla-Indrapuri, P.O. keshrinagar, P.S. Patliputra, District-Patna-800024

... .. Petitioner/s

Versus

1. The State of Bihar through the Engineer-in-Chief-Cum-Special Secretary, Public Health Engineering Department, Nirman Bhawan, Bhawan, Bailey Road, Patna-800015.
2. Superintending Engineer, (Public Health Design and Planning), Public Health Engineering Department, Circle No-01, at Present Bihar Rajya Jal Parshad (Dissolved), Bihar Urban Infrastructure development Co. Ltd. (BUIDCO), Ganga Project Circle No.-01, West Boring Canal Road, Rajapur Pull, P.S. Budha Colony, Patna-800001.
3. General Manager (Admin), Bihar Urban Infrastructure Development Co. Ltd. (BUIDCO) West Boring Canal Road, Rajapur Pull, P.S. Budha Colony, Patna-800001.
4. Managing Director, Bihar Urban Infrastructure Development Co. Ltd. (BUIDCO) West Boring Canal Road, Rajapur Pull, P.S. Budha Colony, Patna-800001.
5. Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna-800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prakash Kumar
For the Respondent/s : Mr. Lalit Kishore (AG)

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

Date : 21-03-2022

Heard learned counsel for the parties.

All pending interlocutory applications are not relating to payment of salary which is the subject matter of main petition. Therefore, pending interlocutory applications stands disposed of, reserving liberty to the petitioner to file a fresh petition.



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

“i. For issuance of writ in the nature of writ of mandamus directing the respondents to pay to the petitioner the salary for the month from February 2020 up-till-now as working on the post of Blue Printer in the office of the Superintending Engineer, PHED (respondent no. 2).

ii. For direction to the respondents particularly the respondent no. 2 to issue relieving letter to the petitioner so that the petitioner may be able to give joining in the office of Executive Engineer (Mechanical), Work Division, Malahi Pakri, Kankarbagh, Patna in compliance of the office order no. 124 dated 22.04.2020 issued by General Manager (Admin), BUIDCO-(respondent no. 3) by which the petitioner has been transferred from his present place of posting i.e., in the office of respondent no. 2 to contribute his service in the office of Executive Engineer (Machanical), Work Division, Malahi Pakri, Kankarbagh, Patna.

iii. For grant of any other relief or reliefs as made available to the petitioner as per the law.”

Insofar as main matter is concerned, during pendency of the present petition, petitioner’s grievance has been



redressed in the month of October, 2020 and October, 2021 in respect of payment of arrears of salary for the period from February, 2020 to April, 2020 and May, 2020 to January, 2021 respectively. Petitioner is Class-IV employee, unnecessarily his salary has not been disbursed that too, during the COVID-19 pandemic period and compel him to approach this Court in respect of seeking arrears of salary for the aforesaid period. Perusal of the records, it is evident that for no reason, the petitioner's salary have been with-held.

Learned counsel for the State, on instructions, submitted that petitioner has disobeyed the order of transfer. If the petitioner has disobeyed the order of transfer, in that event, the concerned respondent should have proceed to invoke appropriate remedy of taking necessary action in accordance with the disciplinary rules and in not with-holding of arrears of salary.

In the light of these facts and circumstances, since the petitioner's grievance has been redressed in the month of October, 2020 and October, 2021 during the pendency of the present petition, the petitioner is entitled to litigation cost and it is quantified at Rs.25,000/- (Rupees Twenty Five Thousand). Cost shall be paid by the concerned department to the petitioner



within a period of three months from the date of receipt of this order.

Accordingly, writ petition stands disposed of.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.03.2022
Transmission Date	NA

