

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3892 of 2019

In
Civil Writ Jurisdiction Case No.16948 of 2007

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Vijay Kumar, Son of Rajendra Prasad, Resident of Mohalla Shastri Nagar,
Goraiya Tola, Ward No. 2, P.S. Dumra, District- Sitamarhi, Ex- Nazir, Civil
Court, Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sri Bajarangi Sharan, the District and Sessions Judge, Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajan, Adv.

For the Opposite Party/s : Mr. Sanjeev Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 11-05-2022 In compliance to the orders of this Court dated

16.08.2018 passed in CWJC No. 16948 of 2007, the office of
the District & Sessions Judge, Sitamarhi has issued an order
dated 25.03.2022 whereby and where under the period
commencing from the day of his dismissal from service up to
the date of his superannuation has been sanctioned as
extraordinary leave in as much as the petitioner had not worked
during the said period and further 90% provisional pension,
gratuity and other retiral dues, including leave encashment etc.
has been sanctioned on the basis of his last pay drawn before his
dismissal i.e. as on 04.11.2006, subject to outcome of the
Appeal filed by the contemnors bearing L.P.A. No. 205 of 2020,
which is pending before this Court.



The learned counsel for the contemnors submits that the retiral dues, as aforesaid, shall be paid to the petitioner in any case not later than six weeks from today. It is directed accordingly.

At this juncture, the learned counsel for the petitioner submits that the petitioner be granted liberty to challenge that portion of the aforesaid order dated 25.03.2022 whereby and where under the petitioner has been denied salary for the period starting from the day on which he was dismissed from service till his superannuation as also the error in fixation of retiral dues, which have been directed to be paid on the basis of the last pay drawn, just before his dismissal i.e. on 04.11.2006 and not on the basis of his last pay drawn as on the date of his superannuation i.e. 30.9.2017.

Accordingly, the present petition stands disposed of as not pressed, however, with the aforesaid liberty to the petitioner.

(Mohit Kumar Shah, J)

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