

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21693 of 2014

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Gopaljee Ojha Son of Late Gupteshwar Ojha, Resident of Village - Deokuli,
Police Station - Brahampur, District -Buxar ... Petitioner
Versus

1. The State Of Bihar
2. Home Secretary, Bihar, Patna.
3. Director, General of Police, Bihar, Patna.
4. The Superintendent of Police Bhojpur, Ara.
5. The State of Jharkhand.
6. Home Secretary, Jharkhand, Ranchi.
7. Director General of Police, Jharkhand, Ranchi.
8. The Superintendent of Police Dhanbad, Jharkhand. ... Respondents

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Appearance :

For the Petitioner/s : Mr.Rang Nath Choubey, Adv.
For the Respondent/s : Mr.Pankaj Kumar Singh, AC to GA IX

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

3 09-01-2023 Heard the parties.

Admittedly, the petitioner's salary for three months have not been paid for the period from 24.07.2007 to 24.10.2007. The petitioner retired on 31st October, 2012, whereafter he has preferred this writ petition.

The respondents have filed their reply and it is stated that the claim for salary for the period when he was posted in Dhanbad district which is in Jharkhand. Since the same relates to Jharkhand State the payment relating to it can not be said to be falling in the jurisdiction of this Court.

I have considered the submissions.



The petitioner admittedly retired from the services of police of the State of Bihar. In view thereof any claim of salary for the service rendered by him would have to be meted out by the Police Headquarters of Bihar and merely because the petitioner was posted in a district which is now come under another State, namely, State of Jharkhand, the claim of the petitioner can not be said to be defeated. No reasons have come forward as to why the salary of the petitioner was withheld for the period from 24.07.2007 to 24.10.2007.

The departmental proceedings initiated against the petitioner also do not reflect of withholding the salary of the said period and the same has been treated as sanctioned leave.

Keeping in view thereto, the petitioner would be entitled to salary for the sanctioned leave period and the same has to be released by the respondents.

It is therefore now directed that the same be released along with interest at the rate of 9% per annum. The exercise shall be completed within a period of three months from the date of receipt of this order.

The writ petition stands allowed.

(Sanjeev Prakash Sharma, J)

Shamshad/-
Item No. 51

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