

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16187 of 2015

Naresh Paswan son of Sarug Gorait, resident of Dubahal Belahi, Police Station- Magadh Medical, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary to the Government, Department of Road Construction, Government of Bihar, Patna.
3. The Chief Engineer, Road Construction Department, Gaya.
4. The Superintending Engineer, Road Construction Circle, Gaya.
5. The Executive Engineer, Road Construction Division No.2, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajeeva Roy, Sr. Advocate Mr. Makardhwaj Upadhyay, Advocate Mr. Shashank Shekhar Sinha, Advocate Mr. Akash Keshav, Adv. Mrs. Akansksha Malviya, Advocate
For the State	:	Mr. G.P. Ojha- Gp22

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-09-2023 1. The present writ petition has been filed seeking the following relief:-

"(i) For quashing of the Office Order No.28 dated 30.4.2004 passed by the Executive Engineer Road Construction Department, Road Division No.2, Gaya whereby and whereunder the claim of the petitioner that he is working as Roller Driver since May 1985 and that for the period from 15.6.1985 to 31.12.1986 and from 1.7.1987 to 30.6.1992 he has not been paid his due



salary etc has been rejected on wrong assumption of fact and law thereby rejecting the claim of the petitioner even though for the period from September, 2000 to 9.6.2001 the claim of the petitioner for payment of salary etc. has been admitted.

(ii) For holding that the petitioner is entitled the wages/salary for all such period he has performed work but not paid any salary.

(iii) For holding that the material on the basis of which the claim of the petitioner has been rejected by the impugned order Annexure-1 are all frivolous and not sustainable in the eye of law.

(iv) For holding that the impugned order was passed without any notice to the petitioner, without hearing him and affording any opportunity to him at least for perusal of the materials relied upon for rejecting his claim, as such the same is in violation of the principle of natural justice and fair play accordingly, not sustainable in the eye of law.

(v) For commanding the respondents to pay the petitioner his due salary/wages for the periods from 15.6.1985 to 31.12.1985 and from 1.7.1987 to



30.6.1992 as also September, 2000"

2. At the outset, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law. Liberty, so sought, is granted.

3. The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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