

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20781 of 2013

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Adhar Kumar S/O Late Laxmi Narayan Resident Of Village Nirpur, P.O.
Nirpur, Distt- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Collector, Nalanda, District.
3. Block Development Officer, Hilsa.
4. Block Development Officer, Rahui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh, Adv.
For the State : Mr. Mahendra Prasad Verma, AC to SC-20

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

ORAL ORDER

2 24-01-2023 1. The petitioner by way of this writ petition has
prayed for granting following reliefs:-

“1. That, it is stated that this writ application on behalf of the petitioner above named is for following reliefs :-

I. For issuance of an appropriate in the nature of mandamus, commanding and directing the respondent authorities to pay the salary to petitioner from August 2009 to 31 Dec. 2009, 1st Jan 2010 to Dec 2010, 1st Jan 2011 to Jun 2011, July 2001 to 10 July 2011, August 2011 to 31 Dec 2011, and 1st March 2012 to 31 July 2012, which was with held up by the respondent authorities.

II. For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondent authorities to allow



the petitioner 1st A.C.P. benefit who completed in ten years service.

III. For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.

2. That the substantial questions of law involved in the present writ application are as follows :

I. Whether the action of respondent authorities in held up the salary of the petitioner is illegal, arbitrary, malafide, unreasonable unconstitutional and unwarranted in law ?

II. Whether with held up the salary of the petitioner is justified in law in view of the fact that District Collector, Nalanda vide order dated 30.09.2011 contained in memo no. 238 (M) by which only punishment imposed against the petitioner that two annual increment stopped with cumulative effect nothing more ?

III. Whether the action of respondent authorities in with held up the salary of the petitioner during period mentioned above although the District Collector, Nalanda had not passed any order in respect of the salary of the petitioner ?

IV. Whether with held the salary of the petitioner by the respondent authorities is illegal arbitrary not justified in law in view of the fact that in final decision taken by District Collector admitted that petitioner gave his joining and discharging the duty



since 11.07.2009.

V. Whether the petitioner is not entitled for 1st A.C.P. who completed his services 10 years.

VI. Whether, the action of the respondent authorities are otherwise bad in law on the facts and circumstances of the case ?”

2. Counter affidavit has been filed and it has been pointed out that the petitioner was appointed as a Panchayat Secretary on 05.08.2003. While he was holding the said post, he remained absent up to 21.06.2010 and a departmental proceedings were initiated against him and he was punished for remaining willfully absent and his two annual grade increments were stopped vide order dated 30th September, 2011. He was again absent from July, 2012 after he was found to be inebriated condition.

3. A criminal case was also lodged against him for committing offence under Sections 406, 409, 420/34 of the I.P.C. on 30th October, 2013 along with the Mukhiya for embezzling Government funds. He remained under suspension from 27.07.2012 and was also transferred to another Block after the suspension was removed. The concerned orders have been place on record with the counter affidavit which reflects that the petitioner was not on duty during the period which he is



claiming his salary.

4. In view thereof, the relief claimed cannot be granted to him. The writ petition is devoid of merits and accordingly dismissed.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 28

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