

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21132 of 2011

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Satyendra Das S/O Sri Chand Das Resident Of Chatar, P.S.-Makhdumpur,
District-Jehanabad.

... .. Petitioner

Versus

1. The State of Bihar
2. The Collector, Jehanabad.
3. The Collector, Gaya.
4. The Block Development Officer, Khijarsarai Block, District-Gaya.
5. The Block Development Officer, Manpur Block, District-Gaya.
6. The Block Development Officer, Imamganj Block, District-Gaya.
7. The Block Development Officer, Konch Block, District-Gaya.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Durgesh Nandan, Advocate

For the Respondent/s : Mr.Jitendra Kumar Roy-1, SC-13

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 16-02-2023 Heard learned counsel for the petitioner and the

State.

2. The petitioner in the present case is seeking a direction to the respondents concerned for payment of his salary and arrears of salary for the period he has worked as Jan Sewak in Imamganj Block in the District-Gaya.

3. It is the case of the petitioner that he was appointed as Jan Sewak in Imamganj Block, District-Gaya on 16.12.1986. Later on, he was transferred to Konch Block and from Konch Block to Khijarsarai Block vide Annexure '1' to the writ application.



4. It is further case that by order dated 16.08.2005 passed by the respondent Block Development Officer, Khijarsarai Block, he was transferred to Manpur Block. The petitioner submits that in the year 2008, he was working as Panchayat Secretary in Khijarsarai Gram Panchayat whereas as per letter of transfer (Annexure '2'), he was transferred from Konch Block to Manpur Block as back as in the year 2005. This aspect of the matter has not been fully explained in the writ application, however, learned counsel for the petitioner submits that the salary of the petitioner is due from May 2005 to September 2008, July 2009 to October 2009 and thereafter from January 2011 to May 2011. In the writ application, however, it is stated that the salary of the petitioner is due from July 2009 to October 2010 and from January 2011 till date.

5. The petitioner has made a statement that several applications for payment of his salary were submitted to the authorities concerned but with the writ application no copy of any such application has been annexed.

6. A counter affidavit has been filed on behalf of the State. Attention of this Court has been drawn towards the statements made in paragraph '14' of the counter affidavit which contains reply to the statements made in paragraphs '8' to '11'



of the writ application. According to the respondents, the salary of the petitioner has been withheld because he is facing a charge of corruption, Criminal conspiracy, Criminal breach of trust cheating, forgery for the purpose of cheating etc. A criminal case is instituted in Khijarsarai Police Station being Case No. 05 of 2008 against him. It is also stated that a departmental charge has also been framed in Praptra-ka against the petitioner. The respondents have, thus, submitted that the writ application has no merit and it is fit to be dismissed.

7. Having heard learned counsel for the petitioner and the State as also upon perusal of the records, this Court finds that the petitioner is claiming his salary due firstly from May 2005 to September 2008, but in the writ application after stating that he was transferred from Khijarsarai Block vide order dated 16.08.2005, there is no statement that he had joined at the transferred place i.e. Manpur Block. The writ application is completely silent. In paragraph '7' of the writ application, though it is stated that the petitioner was working as Panchayat Secretary in Khijarsarai Gram Panchayat within Khijarsarai Block in the year 2008, this Court is unable to understand how after his transfer from Khijarsarai Block in the year 2005 he continued to work there. Neither the writ application nor the



counter affidavit throw any light on this aspect of the matter.

8. This Court further finds that according to the petitioner, he joined at Imamganj Block after his transfer from Manpur Block vide Annexure '3' to the writ application. In the counter affidavit filed on behalf of the State, this statement of the petitioner has not been specifically denied.

9. In the opinion of this Court, if the petitioner had joined at Imamganj Block pursuant to Annexure '3' and has worked there, in absence of their being any reason to withheld his salary, the respondents would not be justified in saying that the salary of the petitioner has been withheld because he is facing a criminal charge/departmental proceeding. It is not the case of the respondents that the petitioner was suspended on account of the criminal charge or the departmental proceeding.

10. As regards the period from January 2011 to May 2011 again the same principle will apply. In case the petitioner has worked during this period, his salary cannot be withheld. This Court finds from the counter affidavit that there were serious allegations against the petitioner, he was subjected to disciplinary proceeding as well as criminal proceeding. What happened to those proceedings is not known to the learned counsel for the petitioner and the State. No order of competent



authority withholding the salary of the petitioner for the period he claims to have worked has been brought on record.

11. In the given circumstance, this Court directs the Collector, Jehanabad (Respondent no. 2) and the Collector, Gaya (Respondent no. 3) to look into the entire matter, examine the records and in case it is found that the petitioner has rendered his services and worked during the given period, appropriate decision be taken in the matter of payment of his admissible salary.

12. The petitioner shall make an appropriate application in this regard within four weeks from today. The concerned respondent shall act in tandem with each other and take a decision within three months from the date of filing of the application/representation as the case may be.

13. Let it be recorded that this Court has only recorded what has transpired from the records. The respondent nos. 2 and 3 would be competent to consider all the records which may be available in their office and take an appropriate decision in the matter.

14. This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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