

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1992 of 2021

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Asgar Ali Son of Late Abdul Shakur Resident of Village- Ward No- 09,
Momin Tola, Ale, P.S. and District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
2. The Collector, Madhubani.
3. The Madhubani Nagar Parishad through its Executive Officer, Madhubani, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok K. Karna, Advocate.
For the State	:	Mr. Kinkar Kumar, SC-9.
	:	Mr. Yogesh Kumar, AC to SC-9.
For the Res. No.3	:	Mr. Nilendu Kumar Chaudhary, Advocate.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

8 17-01-2023 Learned counsel for the petitioner, counsel for the State and counsel for the Nagar Parishad, Madhubani are present.

Counsel for the petitioner submits that during pendency of the writ application, petitioner has received his entire dues except the dues towards arrears of salary according to 5th and 6th pay revision is concerned. It has come on record that in the audit report dated 29.12.2015 recovery of Rs.18,24,000/- has been shown against the petitioner due to non deposit of rent of suction machine for the period of 912

days @ Rs.2,000/- per day. He further submits that petitioner was working as Clerk and incharge of suction machine. He also submits that the said suction machine was not in order and in this regard he has filed application before his superior which is on record itself.

Counsel for respondent no.3 submits that as per the Policy the arrears of salary towards pay revision are being paid by the Nagar Parishad to its employee phase wise but in the case of petitioner it has not been calculated as yet and likely to be calculated soon. He also submits that the petitioner has sent letters to his superiors about the defect in the said suction machine, of which, he was incharge.

In the facts and circumstances of the case, this application is disposed off with direction to the petitioner that he shall file representation before respondent no.3, who shall pass a reasoned order on the payment of revision of petitioner's salary towards 5th and 6th pay revision as well as shall decide the matter on issues relating to suction machine and the period for which the said suction machine was not in order, the petitioner shall not entitle to pay anything as calculated in the audit report. The said order shall be passed by the respondent no.3 within 6 weeks from the date of filing

the representation of petitioner.

With this direction, the writ application is hereby
disposed off.

(Dr. Anshuman, J.)

ravishankar/-

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