

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20119 of 2011

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Shambhu Narayan Pandey S/O Late Ramayan Pandey Resident of Village-
Malaur, Police Station- Charpokhari, District- Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate, Patna.
4. The Sub- Divisional Officer, Danapur, District- Patna.
5. The Deputy Collector, Land Reforms, Danapur, District- Patna.
6. The Deputy Collector, Land Reforms, Belachhi, District- Patna.
7. The Circle Officer, Bihta, District- Patna.
8. The Circle Officer, Belachhi, District- Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr. Yatindra Narayan, AC to GP-16

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 13-02-2023 No one appears on behalf of the petitioner to press
this writ application.

From the materials available on the record, it
transpires that the petitioner has approached this Court for a
direction to the respondents to pay his salary for the period he
remained under suspension during the departmental proceeding
and subsequent to his dismissal till the date of revocation of the
order of dismissal.

The facts as appearing from the records would reveal
that the order of dismissal of the petitioner was set aside by the
Commissioner, Patna Division, Patna in Service Appeal No. 33



of 2003 vide order dated 27.05.2006. While allowing the appeal, the Commissioner had set aside the order of punishment and remitted the matter to the District Magistrate, Patna with an observation that the District Magistrate shall take a decision in the matter within three months.

A counter affidavit has been filed on behalf of the respondent nos. 3, 6 and 8. It has been sworn by Circle Officer (Belachhi). He has stated in paragraph '6' of the counter affidavit that pursuant to the order dated 27.05.2006 passed in Service Appeal No. 33 of 2004, the petitioner joined on 25.07.2006 in District Revenue Section and he was transferred to Circle Office (Belachhi) vide order contained in Memo No. 331 dated 05.02.2007 issued by the Additional Collector, Patna and the District Magistrate was directed to take a decision within a period of three months.

Without saying anything about the order, if any, passed by the District Magistrate, Patna, the Circle Officer (Belachhi) has further stated that due to non-availability of the last payment certificate, the due salary for that period has not been paid. He has further made statements that the last payment certificate has been received and the answering respondent shall verify the same and get calculated the due salary of the



petitioner and only after verification and calculation the due salary of the petitioner will be paid.

Let this matter be brought to the notice of the District Magistrate, Patna who will examine the case of the petitioner *vis-a-vis* stand taken in the counter affidavit, the legality and propriety thereof.

The District Magistrate, Patna shall take an appropriate view of the matter within a period of two months from today.

This writ application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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