

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19139 of 2021

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Sandeep Kumar Son of Lakhan Prasad Resident of Mohalla-Bengali Road Mithapur, B-Area, Patna-800001, and Presently Posted as Sub-Division Officer (Assistant Engineer), Tirbut Canal, Sub-Division-2, Head Quarter, Bettia, West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Water Resource, Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, Water Resource Department, Govt. of Bihar, Patna.
4. The Joint Secretary, Water Resource Department, Govt. of Bihar, Patna.
5. The Commissioner (Bihar Flood Management) Water Resource Department, Govt. of Bihar, Patna.
6. The Superintending Engineer, Flood Control Circle, Bhagalpur.
7. The Chief Engineer, Flood Control and Water Nissaran, Katihar.
8. The Executive Engineer, Flood Control Division, Bounsi, Banka.
9. The District Officer, District-Banka.
10. The Sub-Division-Officer, District-Banka.
11. The Commissioner-Cum-Secretary, Finance Department, Bihar Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Prasad Verma, Advocate
For the Respondent/s : Mr. Binod Kumar Sinha, AC to GP-7

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-12-2023 The present writ petition has been filed
seeking the following reliefs:-

“1. (A) For issuance of a writ in the nature of Certiorari or other appropriate writ/writs, order / orders, direction/directions for commanding and directing the respondents authorities to pay the salary with interest to the petitioner from July 2019 to till date who has been working



on the post of Assistant Engineer, Flood Control Division-1, Bounsi, Banka as Government service under the Government of Bihar.

(B) And to set aside the order dt.01.08.2020 and 31.03.2021 of the Executive Engineer Flood Control Division, Banka, and to provide any other relief/ reliefs which the petitioner is entitled to in accordance with Law and work peacefully as it may be deemed fit and proper to the facts and circumstances in this writ application as given herein."

2. At the outset, the learned counsel for the respondent-State has submitted that since the petitioner was absent from duty from the month of October, 2019 and he was sending his absentee report by email, which was/is not acceptable to the Department, the salary of the petitioner was stopped, nonetheless, in case this Court deems it fit and appropriate to direct the authority to examine the claim of the petitioner to the effect that since he was discharging his duties properly, he should be paid salary, the respondents shall definitely do so within a stipulated time frame.



3. The learned counsel for the petitioner submits that the petitioner shall be filing a detailed representation before the Superintending Engineer, Flood Control Circle, Bhagalpur, i.e. the respondent no. 6, hence he be directed to take a decision expeditiously, in accordance with law. It is directed accordingly.

4. It is needless to state that in case the petitioner approaches the respondent no. 6, by filing appropriate representation, within a period of two weeks from today, the same shall be disposed off by a reasoned and a speaking order, in accordance with law, within a period of six weeks, thereafter.

5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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