

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19849 of 2021

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Bir Bahadur Singh Son of Basdev Singh, Resident of Village Merahi, Police Station M.H. Nagar, District - Siwan.

... .. Petitioner

Versus

1. The State of Bihar Bihar, Patna.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The Officer - in - Charge, District General Section, Siwan, District - Siwan.
5. The Circle Officer, Hasanpura, District - Siwan.
6. The Officer - in - Charge, M.H. Nagar Police Station, Hasanpura, District - Siwan.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Advocate
For the Respondent/s : Mr.Md. Irshad, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioner and the State.

Petitioner in the present case is seeking a direction to the respondent authorities to pay his salary from the period since December, 2022 till date.

It is the case of the petitioner that he has rendered his service to the full satisfaction of all concerned and he was paid his regular salary till November, 2020 but thereafter he has not been paid. Although the absentee report of the petitioner of every month has been sent to respondent no. 5 to respondent no. 6. In this regard, the petitioner refers Annexure '3' and '4' to the writ application.



Learned counsel for the petitioner submits that infact, respondent no. 5 wrote a letter to respondent no. 4 for payment of salary of the petitioner but that has not placed any result.

Learned counsel submits on instruction that the petitioner has applied for voluntary retirement.

Today, a counter affidavit has been filed on respondent nos. 2, 4 and 5. It is evident from the statements made therein that the petitioner has worked during the period in question and this is an admitted position in Paragraph '4' of the counter affidavit. The Circle Officer, Hasanpura vide his letter no. 166 dated 26.03.2022 communicated the said fact to the Incharge Officer, General Section, Siwan vide Annexure 'A' to the counter affidavit. In the counter affidavit, it is stated that the petitioner was relieved from the Anchal Office, Hasanpura vide Memo No. 38 dated 18.01.2022 but despite the relieving order, the petitioner has failed to join M.H. Nagar Police station, till date.

In Paragraph '6' it is stated that as per the directions of the Home Department, Bihar, Patna the payment of salary to employees of the Chowkidar is to be made by the Superintendent of Police. In Paragraph '7', it is stated that the Incharge Officer, General Section, Siwan vide letter no. 965



dated 13.08.2021 forwarded the petitioner's claim to the competent authority i.e. the Superintendent of Police.

From the materials available on the record, it is crystal clear that there is no denial of the fact that the petitioner has not been paid his salary since December, 2020. The hardship which has been faced by the petitioner may perhaps not be imagined by the respondent authorities particularly, the competent authority who has not taken pain to look into the letter sent by the Incharge Officer, General Section, Siwan since 13.08.2021.

Learned counsel for the petitioner submits that the petitioner has recently developed some physical ailment and for that reason he has sought voluntary retirement.

Considering the entire facts and circumstances of the case, this Court directs the Superintendent of Police, Siwan to make payment of the outstanding salary of the petitioner since December, 2020 till the date he was relieved vide Memo No. 38 dated 18.01.2022 within a period of two months from the date of receipt/ production of a copy of this order, failing which he would be liable to pay interest at the rate of 9% per annum to the petitioner and the same will be realized from the erring officials for whose fault the letter sent by the Incharge Officer remained pending and not considered.



The Superintendent of Police, Siwan shall further consider the application, if any, pending seeking voluntary retirement and take an appropriate view thereon together with the claim of the petitioner for his salary for any other period. Such consideration shall be given within a period of three months from the date of receipt/ production of a copy of this order.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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