

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4941 of 2019

In
Letters Patent Appeal No.330 of 2019

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Md. Mahtab Alam S/o Late Sharafuddin Resident of Village - Siktiya, P.S.
Azamnagar, District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Mr. Amrit Raj Meena, the Principal Secretary,
Panchayat Raj Department, Bihar, Patna
2. Smt. Punam The District Magistrate, Katihar
3. Smt. Varsha Singh The Deputy Development Commissioner, Katihar
4. Sri Ram Kumar Poddar The District Panchayat Raj Officer, Katihar
5. Sri Sanjay Kumar The Treasury Officer, Katihar
6. Sri Sheo Narayan Mandal The District Programme Officer (Establishment),
Katihar
7. Sri Ganor Pashilan The Block Development Officer, Barari, District- Katihar
8. Sri Praveen Kumar Singh The Accountant General, Bihar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Md. Ataur Rahman, Advocate
For the Opposite Party/s	:	Mr. Manish Kumar, AC to AAG(Ex.) (I/c. AAG5)
For the A.G.	:	Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

5 10-11-2023 The present MJC is filed for non-compliance of the

order dated 22.08.2019 passed in L.P.A. No.330 of 2019 read

with representation of the petitioner.

2. Grievance of the petitioner was for settlement of all
retiral dues including certain A.C.P. benefits.

3. Perusal of show cause furnished by the Opposite



party Nos. 3 to 6, it is not crystal clear how the period of remaining unauthorized absence for a period of 1268 days has been regularized in the light of the Bihar Service Code.

3. In the absence of the speaking order, this Court has to draw inference that the grievance of the petitioner has not been redressed properly.

4. Therefore, District Magistrate, Katihar is hereby directed to pass a detailed speaking order like what are the claims made by the petitioner in respect of his service condition. Each of the issues is required to be examined, whether he is entitled or not? Further, unauthorized absence period read with a departmental inquiry, if it is initiated, what is the outcome of the disciplinary proceedings is required to be taken note of read with relevant provision in the Bihar Service Code for the purpose of regularizing leave at his credit or leave without pay, etc. If unauthorized absence period has not been regularized, it has to be regularized, if no departmental inquiry has been concluded in imposition of penalty. Even assuming that in a departmental inquiry, he has been punished while imposing certain penalty like withholding of pension in percentage, still the concerned authority/appointing authority is required to pass a detailed order of regulating the unauthorized period with



reference to relevant provision.

5. The above exercise shall be completed and proceed to pass a detailed speaking order and communicate the same to the petitioner.

6. In the meanwhile, petitioner is permitted to submit one more representation highlighting, which are the service condition, which is still to be decided by the authorities. If such representation is submitted, the same shall be taken note of by the District Magistrate and grievance of the petitioner shall be redressed within a period of four months from the date of receipt of petitioner's additional representation.

Accordingly, the present M.J.C. / contempt petition stands dropped.

7. In the event of the non-compliance of the order of this Court by the District Magistrate read with the observation made in the present order, petitioner is at liberty to file an Interlocutory Application to revive this order in future.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

S.Katyayan/-
Saurabh/-

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