

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19901 of 2021

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Shekhar Sharan Srivastava Son of Late Kameshwar Prasad Resident of House
No. 203/B, Krishnapuri, P.S. - Buddha colony, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Bihar, Patna.
2. The Principal Secretary, Urban and Housing Department, Bihar, Patna.
3. The Municipal Commissioner, Nagar Nigam Muzaffarpur.
4. The Engineer - in - Chief, Road Construction Department, Bihar, Patna.
5. The Chief Engineer, Road Construction Department, Vishweswaraiya Bhawan, Bihar, Patna.
6. The Executive Engineer, Road Construction Department, Sheohar.
7. The Executive Engineer, Road Construction Department, Aurangabad.
8. The Additional Chief Secretary, Urban Development & Housing Department, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Indu Bhushan, Adv.

For the Respondent/s : Mr.Manoj Kr. Ambastha (Sc26)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 03-04-2024 At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to add Additional Chief Secretary, Urban Development and Housing Department, Bihar, Patna, as Respondent No. 8 to the present writ petition. Liberty, so sought, is granted. Needful be done during the course of the day.



2. The present writ petition has been filed seeking the following relief:-

“1. That this writ application is directed for issuance of an appropriate writ in the nature of Mandamus commanding the responsible respondents to pay the arrear of salary since 18.5.2011 to 02.01.2016 with penal interest excluding the paid salary on the basis of L.P.C. issued vide Letter No.2480 dated 20.7.20216 (Contained in Annexure-2) issued by under the signature of Respondent No. 3. The parent department of the petitioner is Road Construction Department, Bihar, Patna and the petitioner has been appointed on the post of Junior Engineer on 04.10.1989 and petitioner performed his duty in his parent department for several years, but his service was transferred to Nagar Nigam, Muzaffarpur in the year, 2010 and continuously the petitioner performed his duty sincerely to the satisfaction of the Municipal Commissioner, Nagar Nigam, Muzaffarpur, but he was paid salary only for one year and salary from 18.05.2011 to 02.01.2016 was not paid due to paucity of fund. In the meantime, the petitioner has been taken back into his parent department he has been posted. at Road Construction Department, Sheohar on 03.1.2016 and now the petitioner is posted at Road Construction Department, Aurangabad Division No. 1, but on



the basis of L.P.C. dated 20.07.2016 neither the responsible authorities of Road Construction Department, Sheohar nor the responsible authorities of Road Construction Department, Aurangabad Division No.1 paid the salary of the petitioner, while both authorities of Road Construction Department, Sheohar and Road Construction Department Division No.1, Aurangabad are duty bound to pay the arrear of salary of the petitioner on the basis of L.P.C. dated 20.06.2016.”

3. At the outset, the learned counsel appearing for the Muzaffarpur Nagar Nigam, Muzaffarpur, submits that the outstanding salary for the period, the petitioner was posted at the office of the Respondent-Nagar Nigam has already stood paid and as far as the rest amount of salary is concerned, it is the Urban Development and Housing Department, Bihar, Patna, which has to pay the same.

4. In view of the aforesaid, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the Respondent No. 8, i.e. Additional Chief Secretary, Urban Development & Housing Department, Bihar, Patna, by filing appropriate representation. Liberty so sought is granted. It is needless to state that in case appropriate representation is filed



by the petitioner within a period of two weeks from today, the same shall be decided by the Respondent No. 8, by passing a reasoned and a speaking order, in accordance with law, within a period of six weeks, thereafter and in case, any outstanding salary is found payable, the same shall also be paid within the same time frame.

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

(Mohit Kumar Shah, J)

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