

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13629 of 2024

Priyanka Kumari Daughter of Late Awadh Kishore Prasad, W/o- Ashish Ranjan Resident of Village- Murarpur, P.O.- Katari, P.S.- Korma, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Water Resources, Government of Bihar, Patna.
3. The Chief Engineer, Flood Control and Water Seepage, Department of Water Resources, Patna.
4. The Executive Engineer, Flood Control Division, Bakhtiyarpur, Department of Water Resources, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate Mr. Magan Kumar, Advocate Mr. Bhaskar Anand, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar, AC to GA-13

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-09-2024 Heard Mr. Deepak Kumar, learned counsel along with Mr. Magan Kumar and Mr. Bhaskar Anand, learned counsel appearing on behalf of the petitioner and Mr. Sanjay Kumar, learned AC to learned GA-13 for the respondent/s.

2. The petitioner in paragraph no. 1 of the present writ petition has sought *inter alia* following relief(s), which is reproduced hereinafter:

" I. For immediately release the arrear of salary of of the petitioner for the period from 13.02.2018 to 10.10.2021 after considering the serious health condition of the petitioner.

II. For further direction be given to respondent authorities to give service benefit to the petitioner for the period from 13.02.2018 to 10.10.2021.

III. For any other relief for which petitioner may be entitled in the fact and circumstances of the case."



3. Learned counsel appearing on behalf of the petitioner informs that petitioner had joined on the post of Junior Accounts Clerk in the Water Resources Department on 06.12.2007 on compassionate ground and has claimed salary for the period 13.02.2018 to 10.10.2021, during which period, she was absent from duty due to health problem. Learned counsel further submitted that no disciplinary action was/has been taken against the petitioner considering the fact that the petitioner was on medical leave for a period of 175 days in view of Memo No. 2504 dated 31.07.2023, which was adjusted from the Earned Leave of the petitioner, as a result of which, the petitioner is entitled for half pay leave for 170 days and subsequent to the same, 1063 days of that period was adjusted from extraordinary leave. Learned counsel submitted that the petitioner seeks to file detailed representation before the Chief Engineer, Flood Control & Water Seepage, Department of Water Resources, Patna, for payment of arrears of salary for the aforesaid period and for all service benefits accrued to her for the said period.

4. Mr. Sanjay Kumar, AC to GA-13 appearing on behalf of the State submits that in case, the petitioner has not faced any disciplinary action and in view of the fact that the petitioner desires to file representation before the appropriate



authority, the writ petition can be disposed of at the stage of admission itself.

5. Having considered the rival submissions made on behalf of the parties, as well as, taking into consideration the desire of the petitioner to file representation for the relief(s) as prayed for in the present writ petition, the Chief Engineer, Flood Control & Water Seepage, Department of Water Resources, Patna- respondent no. 3, is directed to call for the service particulars of the petitioner from the place of her posting and dispose of the representation filed on behalf of the petitioner expeditiously, in accordance with law, for which, the Executive Engineer, Flood Control Division, Bakhtiyarpur, Department of Water Resources, Patna, is directed to send all the service particulars of the petitioner to the Chief Engineer, Flood Control & Water Seepage, Department of Water Resources, Patna- respondent no. 3 forthwith, so that petitioner may not suffer unwarranted harassment.

6. With aforesaid observations/directions, the present writ petition is disposed of.

(Purnendu Singh, J)

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