

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16139 of 2024

Madan Kishore, Son of Late Jainu Lal Srivastava, resident of Flat No.103,
Block B, Sai Vatika Phul Kunwar Apartment, R.K.Puram, Danapur, Police
Station Danapur, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Sinchai Bhawan, Bailey Road, Patna.
2. The Chief Engineer, Water Resources Department, Motihari.
3. The Superintending Engineer, Tirhut Canal Circle, Water Resources Department, Raxaul.
4. The Executive Engineer, Triveni Canal Division, Water Resources Department, Narkatiaganj, Raxaul.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rupak Kumar, Advocate
For the Respondent/s : Mrs. Anuradha Singh, SC-21

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-10-2024 Heard Mr. Rupak Kumar, learned Advocate for the
petitioner and Mrs. Anuradha Singh, Standing Counsel No. 21.

2. The petitioner has invoked the jurisdiction of this Court seeking a direction upon the respondents, specially respondent no. 3 to consider the claim of the petitioner and ensure the medical leave for the period from 10.09.2015 to 29.10.2015, 02.11.2017 to 23.11.2017 and 25.12.2017 to 09.01.2018, apart from the salary for the month of January, 2015.

3. The petitioner was duly appointed as Junior Engineer in Water Resources Department in the year 1988 and



discharged his duty on different places in the State of Bihar in the Water Resources Department.

4. While the petitioner was working in the office of the Triveni Canal Division, Narkatiaganj, he made representation on 03.10.2016 to the Executive Engineer, Triveni Canal Division, Raxaul for forwarding his application for sanctioning his medical leave under earned leave. The petitioner further represented before the Superintendent Engineer, requesting him to direct the Executive Engineer, Triveni Canal Division to forward his application. With respect to the similar prayer, the petitioner also made representation before the Executive Engineer, Triveni Canal Division, Narkatiaganj as well as Assistant Engineer, Triveni Sub-Division, Bagaha.

5. On the afore-noted representation, the Assistant Engineer, Triveni Sub-Division, Bagaha recommended and forwarded the application of the petitioner for payment of salary of medical leave for the period in question. Further recommendation has also been made at the level of the Executive Engineer, Triveni Canal Division, Raxaul to the Superintendent Engineer, Trihut Canal Circle, Raxaul for sanctioning the earned leave of the petitioner. The service book and other related records were also sent to the concerned



authority. With respect to subsequent period, the Executive Engineer, Triveni Canal Division, Narkatiyaganj further requested to the Superintendent Engineer to ensure the salary to the petitioner for the medical leave period in question vide letter no. 572 dated 07.08.2018.

6. Despite the representation filed by the petitioner and the recommendation made by the respective Executive Engineer, the matter is kept pending since long before the Superintendent Engineer, Tirhut Canal Circle, Water Resources Department, Raxaul, who is the sanctioning and competent authority. For the rightful claim, aforementioned, the petitioner also approached before the Chief Engineer, Water Resources Department, as well as, Principal Secretary, Water Resources Department, Patna but to no avail. Thus, under such compelling circumstances, moved this Court.

7. Learned Advocate for the State urged before this Court that as the matter is pending before the Superintendent Engineer, who is the competent authority, shall pass the necessary order in accordance with law.

8. Having considered the submissions advanced on behalf of the parties and taking note of the grievance of the petitioner, this Court deems it fit and proper to direct the



respondent no. 3 to consider the claim of the petitioner for medical leave for the period in question and also salary for the month of January, 2015 and pass appropriate order in accordance with law, preferably within a period of 8 weeks from the date of receipt/production of a copy of this order.

9. The writ petition stands disposed off.

(Harish Kumar, J)

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