

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.188 of 2024

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Ramesh Kumar Son of Late Siya Saran Chaudhary, Resident of Mohalla-
House No. 86, Road No. 4, Dr. Kishori Mohan Khan Complex, Chandauti,
Police Station-Rampur, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of General Administrative, Government of Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya, District Gaya.
3. The Joint Commissioner-cum-Chariman-cum-Secretary, Regional Transport Authority, Magadh Division, Gaya, District Gaya.
4. The District Collector/District Magistrate, Gaya.
5. The Additional Collector-cum-Conducting Officer, Gaya, District-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Virendra Prasad, Advocate
For the Respondent/s : Mr. Ajay Behari Sinha (GA-8)
Mrs. Seema Ghazala, AC to GA-8

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 18-11-2024 Heard Mr. Virendra Prasad, learned counsel

appearing on behalf of the petitioner and Mr. Ajay Behari Sinha,

learned GA-8 along with Mrs. Seema Ghazala, learned AC to

GA-8 for the respondents.

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 issuance of a writ in the nature of
Mandamus directing/commanding the Respondent Authorities to*



pay salary of the petitioner from 24.03.2020 to 06.06.2022 by which the Appellate Court set aside the impugned i.e. punishment order contained in Memo No. 391 dated 24.03.2020 i.e. Annexure-P/10 passed by the Respondent No. 3 in Service Appeal No. 98 of 2020 on 24.12.2021 i.e. Annexure-P/11 to this petition.

(ii) That any other relief or reliefs for which the petitioner is entitled may be granted by this Hon'ble Court."

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner is aggrieved by the withholding of salary from 24.03.2020 to 06.06.2022 as a result of order of penalty contained in Memo No. 391 dated 24.03.2020 passed by the District Magistrate (Annexure-10 to the writ petition), which was set aside by the Appellate Authority (Commissioner, Magadh Division) vide order dated 24.12.2021 in Service Appeal No. 98 of 2020 (Annexure 11 to the writ petition).

4. Mr. Ajay Behari Sinha, learned counsel for the State informs that corrective measures will be taken in compliance of the order passed by the Commissioner, Magadh Division, in Service Appeal No. 98 of 2020, who has been pleased to modify the order of penalty contained in Memo No. 391 dated 24.03.2020 subject to the condition that the petitioner makes his detailed representation before the District Magistrate concerned or before any appropriate authority before whom he wants to avail remedy.

5. In view of the rival submissions made on behalf of



the parties, I find that if any detailed representation is filed on behalf of the petitioner for the relief as prayed for in the present writ petition, the same is required to be considered by the authority concerned and the admitted dues payable to the petitioner and other terminal benefits as a result of compulsory retirement, be paid to the petitioner expeditiously in accordance with law, without raising any unnecessary quarry from the petitioner.

6. With aforesaid observation(s)/direction(s), the present writ petition is disposed of.

(Purnendu Singh, J)

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