

(2018) 11 PAT CK 0046

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 7631 of 2015

Arun Kumar Patel, son of Rishi Kumar Patel

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision : 29-11-2018

Acts Referred:

Citation : (2018) 11 PAT CK 0046

Hon'ble Judges : Anil Kumar Upadhyay, J

Bench : Single Bench

Advocate : Rajendra Nath Sinha, ArunKumar Sinha

Final Decision : Disposed off

Judgement

ANIL KUMAR UPADHYAY

Heard learned counsel for the petitioner and learned counsel appearing for the respondents.

The petitioner has filed the present writ application for a direction to the respondents to release salary of the petitioner for the period 19.12.2014 to

31.1.2015, thereafter from 1st February 2015 till date, i.e. 13.05.2015 when the writ petition was filed.

On behalf of the respondents, counter affidavit has been filed. In paragraphs-6 to 11 the following stand has been taken:-

6. That in view of enquiry and consideration of the case of the petitioner in pursuance of direction of this Hon'ble Court, vide office order

contained in memo no. 2969 dated 12.09.2015, the petitioner was sanctioned commuted leave of 100 days for the period 03.03.2014 to 10.06.2014 and

earned leave of 125 days for the period 11.06.2014 to 13.10.2014. Subsequently, vide office order contained in memo no. 500 dated 04.02.2016, the

petitioner was also sanctioned commuted leave of 15 days for the period 24.02.2015 to 10.03.2015.

A photocopy of the office order contained in memo no.2969 dated 12.09.2015 and office order contained in memo no. 500 dated 04.02.2016 is annexed

herewith and marked as Annexure-A & B to this counter affidavit.

â??7. That it is stated that vide letter no. 39 dated 20.05.2016, while making available the service book of the petitioner, it was informed by the

Drawing and Disbursing Officer, Islampur that the payment to the petitioner could not be made since the service book of the petitioner was not

updated by entering the leave sanctioned to him for the different periods.

â??8. That vide letter no.57 dated 17.10.2016, it has further been informed by the Drawing & Disbursing Officer, Islampur that the petitioner has

already been paid his salary for the period 11.03.2015 to August, 2016 after receipt of absentee report from the concerned school.

A photocopy of the letter no.57 dt.17.10.16 is annexed herewith and marked as Annexure-C to this counter affidavit.

â??9. That the District Programme Officer (Establishment), Nalanda vide letter contained in memo no. 4699 dated 23.11.2016 directed the Drawing

& Disbursing Officer, Islampur to make payment of arrears of salary to the petitioner. A photocopy of the letter no. 4699 dt. 23.11.2016 is annexed

herewith and marked as Annexure-D to this counter affidavit.

â??10. That vide letter no. 64 dated 05.12.2016, the Drawing and Disbursing Officer, Islampur has intimated that the petitioner has already been paid

his due salary vide bill no. 57/2016-17 for an amount of Rs.362097/- bill no. 58/2016-17 for an amount of Rs.34361/- and bill no. 59/2016-17 for an

amount of Rs.11388/-.

A photocopy of the letter no. 64 dt. 05.12.2016 along with Treasury Bills is annexed herewith and marked as Annexure-E to this counter affidavit.

â??11. That in view of the aforementioned facts, it would be evident that the petitioner has already been paid his due salary and regular salary is also

being paid depending on the receipt of the absentee report from the concerned school and thus the claim of the petitioner raised in this writ application

has been redressed and as such the writ application is fit to be dismissed.â??

In view of the stand taken by the respondents in the

counter affidavit, the Court does not find any justification to keep this matter pending.

Accordingly, the writ application is disposed of with the observation that in view of the stand taken by the respondents in paragraphs-6 to 11 in the

event the petitioner is aggrieved by the calculation or if the petitioner has any other substantial grievance, opportunity shall be available to the petitioner

to agitate the matter before the appropriate authority who shall be obliged to consider the representation of the petitioner within a maximum period of

four months from the date of filing such representation along with a copy of this order.

With the aforesaid, the writ petition stands disposed of.