

(2022) 03 PAT CK 0034

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 9669 Of 2020

Ravi Kumar

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: March 21, 2022

Hon'ble Judges: P. B. Bajanthri, J

Bench: Single Bench

Advocate: Prakash Kumar, Lalit Kishore

Final Decision: Disposed Of

Judgement

Heard learned counsel for the parties.

All pending interlocutory applications are not relating to payment of salary which is the subject matter of main petition. Therefore, pending

interlocutory applications stands disposed of, reserving liberty to the petitioner to file a fresh petition.

In the instant petition, petitioner has prayed for the following relief/reliefs:

i. For issuance of writ in the nature of writ of mandamus directing the respondents to pay to the petitioner the salary for the month from February

2020 up-till-now as working on the post of Blue Printer in the office of the Superintending Engineer, PHED (respondent no. 2).

ii. For direction to the respondents particularly the respondent no. 2 to issue relieving letter to the petitioner so that the petitioner may be able to give

joining in the office of Executive Engineer (Mechanical), Work Division, Malahi Pakri, Kankarbagh, Patna in compliance of the office order no. 124

dated 22.04.2020 issued by General Manager (Admin), BUIDCO-(respondent no.3) by which the petitioner has been transferred from his present

place of posting i.e., in the office of respondent no. 2 to contribute his service in the office of Executive Engineer (Mechanical), Work Division, Malahi

Pakri, Kankarbagh, Patna.

iii. For grant of any other relief or reliefs as made available to the petitioner as per the law.â€

Insofar as main matter is concerned, during pendency of the present petition, petitionerâ€™s grievance has been â€ redressed in the month of

October, 2020 and October, 2021 in respect of payment of arrears of salary for the period from February, 2020 to April, 2020 and May, 2020 to

January, 2021 respectively. Petitioner is Class-IV employee, unnecessarily his salary has not been disbursed that too, during the COVID-19 pandemic

period and compel him to approach this Court in respect of seeking arrears of salary for the aforesaid period. Perusal of the records, it is evident that

for no reason, the petitionerâ€™s salary have been with-held.

Learned counsel for the State, on instructions, submitted that petitioner has disobeyed the order of transfer. If the petitioner has disobeyed the order of

transfer, in that event, the concerned respondent should have proceed to invoke appropriate remedy of taking necessary action in accordance with the

disciplinary rules and in not with-holding of arrears of salary.

In the light of these facts and circumstances, since the petitionerâ€™s grievance has been redressed in the month of October, 2020 and October, 2021

during the pendency of the present petition, the petitioner is entitled to litigation cost and it is quantified at Rs.25,000/- (Rupees Twenty Five

Thousand). Cost shall be paid by the concerned department to the petitioner â€ within a period of three months from the date of receipt of this order.

Accordingly, writ petition stands disposed of.