
(2011) 07 PAT CK 0265

Patna High Court

Case No: LPA No. 886 of 2008 in CWJC No. 139 of 2005

Prem Lata Kumari

APPELLANT

Vs

The State of Bihar and
Others

RESPONDENT

Date of Decision: July 26, 2011

Hon'ble Judges: T. Meena Kumari, J; Ahsanuddin Amanullah, J

Bench: Division Bench

Judgement

Hon'ble Justice Smt. T. Meena Kumari, J.

The present appeal has been filed against the order dated 12.9.2008 passed in C.W.J.C. No. 139 of 2005 whereby the learned Single Judge has refused to interfere with the relief sought for by the Appellant herein. In this case the Appellant is aggrieved by in action of the Respondents in withholding the salary for certain periods of her absence. The claim of the Appellant seems to be that she filed application for leave for the periods shown by the authority. However, it was termed as unauthorized absence by the department and her salary was directed to be withheld. But in view of the submission made in the affidavit it goes to show that the Appellant was absent for certain periods in the year 1995 and also regularly absent in the intervening periods of the year 1998.

2. Under the above circumstances, we are of the opinion that the punishment of withholding the salary for the periods of unauthorized absent need not be interfered with, but however, liberty can be granted to the Appellant to make the representation for the relief sought in the writ petition before the concerned authorities. The Appellant has already filed a representation dated 19.2.2003 followed by another representation dated 6.9.2004 which remain unanswered till today.

3. Under the above circumstances, liberty is granted to the Appellant to make a fresh representation before the appropriate authority which should deemed to have been filed on 19.2.2003 and also on 6.9.2004 respectively and the same shall be disposed off within a period of four months in accordance with law without being influenced by any

observation made by this Court. With the above observation, this appeal stands disposed off.