

Vinay Kumar Varma Vs. State of Bihar and ors.

Vinay Kumar Varma Vs. State of Bihar and ors.

SooperKanoon Citation : sooperkanoon.com/122046

Court : Patna

Decided On : Mar-31-2003

Judge : Narayan Roy, J.

Acts : Service Law

Appeal No. : C.W.J.C. No. 887 of 2003

Appellant : Vinay Kumar Varma

Respondent : State of Bihar and ors.

Advocate for Def. : JC to GP 7

Advocate for Pet/Ap. : B.P. Pandey, Senior Adv.

Prior history : Narayan Roy, J. 1. Heard Counsel for the parties. 2. The petitioner now confines this application only for issuance of direction upon the State authorities to pay his due-salary with effect from 15-1-1991 till the date of revocation of his suspension with effect from 21-10-2002 and for the subsequent period. 3. It is submitted by learned Counsel appearing on behalf of the petitioner that by virtue of order, as contained in Annexure-10, the petitioner was released from suspension with effect

Judgement :

Narayan Roy, J.

1. Heard Counsel for the parties.

2. The petitioner now confines this application only for issuance of direction upon the State authorities to pay his due-salary with effect from 15-1-1991 till the date of revocation of his suspension with effect from 21-10-2002 and for the subsequent period.

3. It is submitted by learned Counsel appearing on behalf of the petitioner that by virtue of order, as contained in Annexure-10, the petitioner was released from suspension with effect from 24-10-2002 and a punishment of withholding of two increments with cumulative effect was imposed upon him and he was directed to be adjusted in the Collectorate of Darbhanga, wherefrom he will claim for his salary from the date of his joining, but till date, the Collector, Darbhanga, has not accepted his joining nor his arrear of salary due from 15-1-1991 till date has been paid by the State Government.

4. A counter-affidavit has been filed on behalf of the State acknowledging therein the claim of the petitioner for payment of salary.

5. JC to GP 7 submits that the State authorities are taking steps to scrutinise the claim of the petitioner and his due salary from the date of suspension till the date of revocation of the order of suspension, will be paid to the petitioner at the State level.

6. So far the acceptance of the joining of the petitioner in the Collectorate of Darbhanga is concerned, learned Counsel appearing on behalf of the petitioner submits that despite issuance of the order, as contained in Annexure-10 and the order as contained in Annexure-A to the counter-affidavit his joining is not being accepted on one pretext or the other.

7. Considering the facts and circumstances of the case, respondent No. 1 to 3 are directed to calculate the arrear salary of the petitioner with effect from the date of suspension till the date of revocation of the order of suspension and make all necessary payment to the petitioner within a period of six weeks from the date of receipt/ production of a copy of this order.

8. For the remaining part of the grievance/respondent No. 6, Deputy Collector Establishment Darbhanga is directed to accept the joining of the petitioner forthwith pursuant of the orders, as contained in Annexures-10 to the writ application and A to the counter-affidavit and if required steps be taken to scrutinise the claim of the petitioner. The Collector Darbhanga is further directed to pay the due salary of the petitioner from the date of revocation of the order of suspension as contained in Annexure-10 till date within the same time of six weeks as granted to the State Government.

9. It appears from the pleadings of the parties that the petitioner was not at fault and after the revocation of the order of suspension as contained in Annexure-10, the matter, as it appears was delayed and necessary correction was to be made in the name of the petitioner which ultimately was done by virtue of order as contained in Annexure-A dated 10-2-2003 to the counter-affidavit. The petitioner therefore, was required to be paid his due salary for the period aforesaid in accordance with law.

10. With this direction/observation, this application is disposed of.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com