

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s).2956 OF 2013
(arising out of SLP(C)No.18535/2011)

SHAH WALLIULLAH TARIQUE

Appellant(s)

VERSUS

STATE OF BIHAR AND OTHERS

Respondent(s)

O R D E R

Heard learned counsel on either side.
Leave granted.

Appellant was working as an Urdu Translator with the Rajbhasha Department, Government of Bihar since 1983. In June, 2008, he was transferred to a Patahi Block, East Champaran. Consequently, he made an application for voluntary retirement on 3.7.2008 to the concerned Controlling Authority to accept his voluntary retirement with effect from 31.3.2009. According to him, his request was not accepted by the respondent - State of Bihar and he continued in service. It is stated that on 3.12.2008 he was relieved from Collectorate Sitamarhi and was directed to join Block Office, Patahi, East Champaran. On 14.2.2009, he joined that office. He made a request on 4.5.2009 for further transfer. Rather than acceding to that request, his original application of 3.7.2008 for voluntary retirement was accepted on 25.8.2009.

Learned counsel for the appellant submitted that the action of the Department was arbitrary since his application which was submitted on 3.7.2008 had been accepted over a period of one year. On the other hand, he was allowed to continue in service. Learned Single Judge of the High Court found force in the contention of the appellant and allowed his petition, which was reversed by the Division Bench of the High Court.

Considering the fact that the appellant's application for voluntary retirement was not accepted in time, we feel it appropriate that the appellant be allowed to continue in service, but without back wages. We, accordingly, order that the appellant be reinstated in the service within a period of one month, but he would not be entitled for back wages. However, the period from 25.8.2009 till the date of his joining the service be treated as notional for all service benefits except for back wages or salary.

The Civil Appeal is accordingly allowed.

.....J.
[K.S. RADHAKRISHNAN]

.....J.
[DIPAK MISRA]

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).18535/2011

(From the judgement and order dated 01/03/2011 in LPA No.2036/2010 of the
HIGH COURT OF PATNA)

SHAH WALLIULLAH TARIQUE

Petitioner(s)

VERSUS

STATE OF BIHAR & ORS.

Respondent(s)

(With appln(s) for permission to file additional documents and office
report)

Date: 04/04/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
HON'BLE MR. JUSTICE DIPAK MISRAFor Petitioner(s) Mr. Bimlesh Kumar Singh, Adv.
Mr. Perminder Singh, A.O.R.For Respondent(s) Mr. Chandan Kumar, Adv.
Mr. Gopal Singh, A.O.R.
Mr. Manish Kumar, Adv.UPON hearing counsel the Court made the following
O R D E RHeard learned counsel on either side.
Leave granted.
In terms of signed order, the Civil Appeal is allowed.

|(A.D. Sharma)

| |(Renuka Sadana)

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|Court Master

| |Court Master

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(Signed Order is placed on the file)