

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6277 of 2011

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Nisa Rani wife of Late Pawan Kumar @ Pravin R/O Village-Bhidha, P.O.-
Amarpur, Distt.-Lakhisarai, at present posted as A.N.M. ,Primary Health
Centre, Village-Gargata Tetaia, Bambar, Distt.-Munger

.... Petitioner

Versus

1. The State of Bihar
2. Director, Health, Govt. of Bihar, Patna
3. Secretary, Health, Govt. of Bihar, Patna
4. Civil Surgeon, Munger
5. Medical Officer Incharge, Gangata Tetia Bambar in the district of
Munger

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ashutosh Jha
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 12-10-2015 The present writ petition has been listed under the heading “For Orders (On Petitions)” since in this case earlier an Interlocutory Application vide I.A. No. 5909 of 2015 was filed on behalf of the petitioner for direction to pay salary of the petitioner since 2010. In the main writ petition also, a prayer has been made for a direction to the Respondents to pay salary to the petitioner, which has not been paid since July, 2010 till date.

Keeping in view of nature of relief sought for in the writ petition, with consent of the parties, the writ petition is being disposed of at this stage itself.

It is the case of the petitioner that she was appointed as



A.N.M. on the basis of the recommendation of Bihar Public Service Commission. Thereafter, she was asked to join at Bojahait Sono Primary Health Centre, Jamui by order dated 01.04.2004. Thereafter, she was transferred to different places and presently the petitioner is posted as A.N.M. in Primary Health Centre, Sunderpur (Dharhara). It has been claimed that without any rhyme and reason from the month of July, 2010 the petitioner has not been paid salary, whereas petitioner is widow having two children with her.

In this case, a counter affidavit has been filed on behalf of Respondent no.4, wherein the fact regarding non-payment of salary since July, 2010 has not been disputed in specific manner, however a plea has been taken that on a complaint the appointment letter along with service history of the petitioner has been sent to the Deputy Director, Health Department, Bihar, Patna for enquiry and till date no instruction has been received. It has not been stated that the petitioner is not functioning as A.N.M.

In view of no dispute regarding the employment of the petitioner and the fact that she is still functioning, there is no reason to deny her legal dues i.e. salary and other emoluments. Accordingly, the writ petition stands allowed with a direction to the Respondents, particularly Respondent no.3/ Secretary, Health,

Govt. of Bihar, Patna and Respondent no.4/ Civil Surgeon, Munger to take all steps, so that entire arrear of salary i.e. from the month of July,2010 till date must be paid to the petitioner and Respondents are also directed to ensure that salary be paid regularly to the petitioner without any hindrance. Entire due salary be paid to the petitioner within a period of six weeks from the date of receipt/production of a copy of this order.

It goes without saying that if payment of entire arrear of salary is not paid within six weeks to the petitioner, the petitioner shall be entitled to claim simple interest on arrear of her salary @ 9% per annum, which may be recovered from the pocket of concerned employees/officers of the Department responsible for non-payment.

With above observation and direction, the writ petition stands allowed.

(Rakesh Kumar, J)

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