

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8104 of 2015

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1. Dr. Sumitra Sahu Widow of Late Rameshwar Sahu R/o Mussallahpur Bari Road Patna P.S. Pirbahore, District Patna, Retired as Homeopathic Medical Officer in the Employees State Insurance Scheme Dispensary, Patna City.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Labour Resources Department, Government of Bihar, Patna.
3. The Joint Secretary, Labour Resources Department Government of Bihar, Patna.
4. The Director, Labour Resources Department, Government of Bihar, Patna.
5. The Director, Department of Health Services, Employees State Insurance Scheme, Labour Resources Department, Government of Bihar, Patna.
6. The Principal Secretary, Health Services Department, Government of Bihar, Patna.
7. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
8. The In- Charge Medical Officer, Employees State Insurance Scheme Dispensary, Patna City.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Das

For the Respondent/s : Mr. Ranjan Kumar, AC to AAG 4

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 13-10-2015

Petitioner is looking for identical relief as one Dr. Sharfe

Alam. Petitioner was appointed as a Homeopathic Doctor along with

Dr. Sharfe Alam under the Bihar Employees State Insurance Scheme.

When age of superannuation of doctors across the board was

enhanced and similar benefit was not extended, the petitioner as well

as Dr. Sharfe Alam decided to invoke the writ jurisdiction seeking

enhancement in the age of retirement. The age of superannuation was

enhanced from 60 to 62 years. Again the age of retirement was enhanced to 65 and the petitioner and Dr. Sharfe Alam were not extended relief, Dr. Sharfe Alam approached the Court, which passed an order in his favour. When no notification giving the benefit was issued, a contempt application was filed. Thereafter notification dated 2.2.2015 contained in Annexure- 6 came to be issued.

The Court fails to understand as to why every citizen has to approach a court of law seeking a direction from the Court for extending similar kind of benefit. Surely such an approach and attitude is contrary to the Bihar Litigation Policy.

When the State was asked as to why the petitioner is being discriminated, they have now taken a stand that the matter is under active consideration. The word 'active consideration' is an open ended exercise. Therefore, the Court directs the respondents to take a final decision with regard to the petitioner as well before 31st of December, 2015.

Writ is disposed of with the above direction.

(Ajay Kumar Tripathi, J)

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