

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1428 of 2010

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1. Mendar Devi alias Mendri Devi, wife of Sanjiv Prasad R/O Vill. Chill
Billi, P.O. Nisarpura, P.S.- Phulwarisharif, Distt.- Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sri Mohan Lal Mahto, Civil Surgeon-Cum-Chief Medical Officer,
Khagaria (Bihar)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiv Kumar, Advocate.

For the State : Mr. Pramod Kumar Act to AAG II

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

43 30-11-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is claiming that the State has not
complied the order of this Court which has been passed in
favour of husband of the petitioner vide order dated
6.10.2009 in C.W.J.C. No.10435 of 2008 where the Court
has directed that the order passed by the Civil Surgeon or any
other authorities are quashed and the petitioner was reinstated
with all consequential benefits from the date of termination.

From the affidavit filed by the State it appears that
petitioner has been paid salary from the period from
23.9.2004 to 9.1.2015 but claim has been made by the
petitioner that she is entitled to the salary with effect from
27.2.2003 i.e. the date of termination but instead of taking
that date the State has taken date of 23.9.2004 without any

proper reason and as such she has been deprived from the salary from 27.2.2003 to 22.9.2004. He has further submitted that husband of the petitioner has been given first ACP from 9.8.1989 but while passing the order State has not taken into consideration of his enhancement of salary under ACP scheme and other claims.

As the substantial payment has been made to the petitioner this Court directs the petitioner, if so advised, she may file representation giving details of her claim head wise. If such an application is filed by the petitioner before Civil Surgeon, Khagaria he will be obliged to pass a reasoned order within a period of three months thereafter. If the Civil Surgeon arrives to a finding of non-entitlement of any monetary benefits he will assign the reason for rejection entire or part claim. If the Civil Surgeon arrives to a finding of entitlement of relief it goes without saying that the Civil Surgeon will ensure the payment within further period of three months.

With the aforesaid observations and directions this application is disposed of.

Vinay/-

(Shivaji Pandey, J)

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