

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12297 of 2011

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1. Helen Moses W/O Birendra Kumar Mandal @ Mahendra Prasad Mandal R/O Moh.- Sahebganj, Champa Nagar, Nath Nagar, Bhagalpur, P.O.- Champanagar, P.S.- Tilka Manjhi, Bhagalpur University, P.S.+Distt.- Bhagalpur

.... Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary Department Of Health Govt. Of Bihar, Patna
2. The Principal Secretary Department Of Health, Govt. Of Bihar, Patna
3. The Civil Surgeon-Cum-Chief Medical Officer Bhagalpur
4. The District Provident Fund Officer Bhagalpur
5. The Medical Officer In Charge Primary Health Centre, Bhagalpur
6. The Accountant General Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bibhakar Tiwary, Advocate.

For the Respondent/s : Mr. Vijay Kumar Verma, AC to GA-5
Mr. Uday Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI
ORAL ORDER

4 21-01-2015

With the help of this application, made under Article 226 of the Constitution of India, the petitioner, who retired, on 31.01.2011, from the post of A.N.M., Primary Health Centre, Sultanganj, Bhagalpur, has sought for the issuance of a *writ* in the nature of *mandamus* to the respondents for payment of entire amount of retiral benefits.

Heard Mr. Bibhakar Tiwary, learned Counsel, appearing on behalf of the petitioner, and Mr. Vijay Kumar Verma, learned Assistant Counsel to Government Advocate

No.3, appearing on behalf of the State. Heard also Mr. Uday Kumar, learned Counsel, appearing on behalf of the Accountant General.

Apart from the fact that the counter affidavit has been filed by the respondents, it has been submitted by the learned counsel for the petitioner that petitioner has received all the dues except the salary for the period from September 2010 to January, 2011 and that the revised pay scale has also not been given to her.

In the backdrop of the submissions, Mr. Uday Kumar, learned counsel for the Accountant General, Bihar, Patna, submits that the arrears of salary, if any, would be paid to the petitioner and her pay scale would also be revised in accordance with law.

In view of the above and in the interest of justice, this writ petition is disposed of with direction to the respondents to make payment of the petitioner's salary from 1st September, 2010 to 31st of January, 2011 and also make available to her such revised pay scale as the petitioner may be entitled to.

The whole exercise so directed, shall be completed within a period of three months from the date of receipt of a copy of this order by respondent No.2, namely, Principal Secretary, Department of Health, Government of Bihar, Patna.

The petitioner is given liberty to approach this Court
for any such further relief or reliefs, which she may be entitled to,
if her dues are not paid within time.

(I. A. Ansari, J.)

Mkr./-

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