

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2823 of 2012

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Kajal Kiran wife of Sri Neeraj Saunik, resident of C-23, Krishna Apartment,
Boring Road, PS-Krishanpuri, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sanjeev Kumar Sinha, Project Director, (Bihar AIDS Control Society,
Patna)-cum-Special Secretary, Department of Health, Govt. of Bihar
3. Dr. Dhananjay, the Civil Surgeon-cum-Chief Medical Officer, PMCH,
Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sarvesh Kumar Singh
For the O.P. No.2 : Mr. Ashok Kumar Dubey
For the State : Mr. Jawahar Pd. Karn, AAG4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

15 01-12-2015

Heard learned counsel for the petitioner, State and the
Bihar State Aids Control Society.

In this case, this Court disposed of Writ Petition No.
7207 of 2011, vide order dated 1st March 2012. The operative
portion of the order is as follows:-

“Accordingly, this writ petition is
allowed and the impugned order of the Project
Director, Bihar State Aids Control Society, Patna
dated 30.03.2011 (Annexure-14) is hereby quashed.
8. It may be noted that if the petitioner has been
working on the post concerned in view of the interim
order of this Court dated 25.04.2011 she will be

entitled to all salaries and emoluments which she had been getting prior to the impugned order without any further delay, preferably within two months from the date of receipt/production of a copy of this order.”

The matter was challenged before the LPA Court in LPA No. 870 of 2012 and the LPA Court has also affirmed the order passed by the Writ Court whereupon as per the counsel for the Aids Society, they have already made the payment and the chart of calculation has been annexed as Annexure-B to the show cause showing in what manner, arrear has been calculated.

The counsel for the petitioner submits that it is not a proper calculation chart, as respondents have not made the actual payment which is due to the petitioner and the Bihar Aids Control Society has not given any benefit of increment in the salary which has been disputed by the counsel for the Bihar Aids Control Society.

Looking to the facts and circumstances of the case, this Court is not initiating a contempt proceeding in the matter. If the petitioner is not satisfied with the manner the calculation has been made, will have liberty to take appropriate action either by filing a representation or otherwise. If such representation is filed, the authority will look into the matter to settle the grievance that

has been raised by the petitioner and dispose the same within eight weeks from the date of receipt of the representation. It goes without saying, if any order is passed against the petitioner by the Bihar Aids Control Society, will have a liberty to take a legal action in accordance with law.

Accordingly, this petition is dismissed.

(Shivaji Pandey, J)

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