IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.267 of 2016
Arising out of
L.P.A. No. 1300 of 2012

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1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Commissioner-cum-Secretary, Health and Family Welfare Department, Government of Bihar, Patna
4. The Deputy Secretary-cum-Chief Vigilance Officer, Health and Family Welfare Department, Government of Bihar, Patna.
5. The Joint Secretary, Health and Family Welfare Department, Government of Bihar, Patna.
6. The Civil Surgeon-cum-Chief Medical Officer, Motihari, West Champaran.
7. The Accounts Officer, Health and Family Welfare, Motihari, West Champaran.
8. The Under Secretary, Health and Family Welfare Department, Government of Bihar, Patna.

.... Petitioner/s

Versus

1. Dr. Anshumali Shukla, Son of Late Vidya Nath Shukla, Retired Medical Officer, Bihar, Patna, Resident of Village and P.O.- Malkauli, P.S.- Bagaha, District- West Champaran.
2. The Accountant General, Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Harsh Kumar, G.P.-8
Mr. Binod Kumar Sinha, A.C. to G.P.8
For the Respondent/s :

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)
Date: 16-12-2016

The petitioners seek review of the order passed by this Court on 18th of September, 2012 in L.P.A. No. 1300 of 2012 whereby, the writ applicant was ordered to be granted benefit of salary including promotion to the Junior Selection Grade and Senior Selection Grade till the date of his voluntary retirement which was ordered to be treated as 6th of November, 1998.

2. The Court has given reasons as to why the voluntary

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retirement would became effective on 6th of November, 1998 and consequently, the writ applicant is entitled to the benefits of salary and promotion till the acceptance of the request of voluntary retirement.

3. The grievance of the petitioners is that the writ applicant was on leave till the date, his request for voluntary retirement was accepted, therefore, he may not be entitled to the salary for the period he was on leave.

4. The order of the Court does not mandate the petitioners to pay salary for the period writ applicant was on leave. It only says that the monetary benefits shall be granted to the writ applicant including promotion to Junior Selection Grade and Senior Selection Grade.

5. In view of the said fact, we do not find any error apparent on record which may warrant review of the order.

6. The Review Application is, thus, dismissed.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	21.12.2016
Transmission Date	

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