

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.437 of 2015

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1. Amrita Jha wife of Late Dr. Sunil Kumar Jha, resident of Ward No. 4, Bairiya Road, Khiriya Ghat, near Dr. Sanjay Kumar Ghosh, Bettiah, P.S.- Bettiah, District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna
2. The Principal Secretary, Department of Health, Government of Bihar, Patna null null
3. The Joint Secretary, Department of Health, Government of Bihar, Patna
4. The Deputy Secretary, Department of Health, Government of Bihar, Patna
5. The Superintendent, Maharani Janki Kuer Hospital, now known as Government Medical College and Hospital, Bettiah, West Champaran
6. The District Provident Fund Officer, West Champaran, Bettiah
7. The Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bibhakar Tiwary
For the Respondent/s : Mr. M.K. Ambastha, GP-14
For Accountant General : Mr. Viveka Anand Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 22-07-2016 Heard learned Counsel for the parties.

The petitioner is widow of the deceased Dr. Sunil Kumar Jha, who died in harness, while working as Medical Officer, Maharani Janki Kuer Hospital, Bettiah, on 18.08.2014.

This application has been filed seeking direction to the respondents for payment of all post retiral dues.

From the pleadings on record, it transpires that most of the post retiral dues have been cleared in favour of

the petitioner.

Learned counsel for the petitioner has, however, submitted that cash equivalent to earned leave which the petitioner is entitled has not been paid so far. He has also submitted that the petitioner's husband was entitled for dynamic Assured Career Progression, which could not be provided to him till the date of his death. Had his case been considered, the petitioner would have been paid arrears arising out of revision of salary on grant of dynamic Assured Career Progression.

From the counter affidavit filed on behalf of the State of Bihar, it appears that the case for grant of dynamic Assured Career Progression of the petitioner's husband has been processed and sent to the Departmental Promotion Committee.

In the facts and circumstances of the case, this application is disposed of with a direction to the Director-in-Chief, Health Services, Bihar, Patna to ensure that the petitioner is paid cash equivalent to earned leave which the petitioner was entitled to receive consequent upon death of her husband. He is also required to ensure that the case for grant of dynamic ACP is finalized within a period of three months from the date of receipt/production of a copy of this order. The arrears of salary arising out of grant of dynamic

ACP, if any, must be paid to the petitioner within a period of two months thereafter.

This application stands disposed of with the observations as aforesaid.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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