

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1994 of 2010

IN

Civil Writ Jurisdiction Case No. 10988 of 2009

- =====
1. The State of Bihar through Principal Secretary, Department of Health, Bihar, Vikash Bhawan, Patna
 2. The Director, Health Department Bihar, Vikash Bhawan, Patna
 3. The Chief Medical Officer, West Champaran, Bettiah
 4. The Assistant Chief Medical Officer, West Champaran, Bettiah
 5. The Medical Officer Incharge, Primary Health Centre, Bagaha-1, Distt.- West Champaran

.... Appellant/s

Versus

Rosalia Kumari, W/O Sammer Puri at present posted at Primary Health Centre, Bagaha-1, P.S.- Bagaha, Distt.- West Champaran (Bettiah)

.... Respondent/s

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Appearance :

For the Appellants : Mr. Mithilesh Kr. Pathak, SC-7
Mr. Anuj Kumar, AC to SC-7

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 19-07-2016

Heard learned counsel for the appellants-State.

This intra-court appeal is against the order and judgment of the learned Single Judge dated 15.10.2009, passed in C.W.J.C. No. 10988 of 2009 (Rosalia Kumari Vs. The State of Bihar and others).

Learned Single Judge has allowed the prayer for payment of salary to the writ petitioner- respondent negating the plea of the State that she had been absconding from service. Learned

Single Judge has clearly held that no proceeding for forfeiture or reduction in salary has at all been started. In fact, learned Single Judge has noticed that the writ petitioner- respondent was transferred which transfer order was subsequently stayed. She resumed her duties but her salary payment was not resumed, hence, she filed the writ petition immediately. It is not in dispute that as against the writ petitioner- respondent no disciplinary proceeding was at all initiated for her unauthorized absence. Merely because one officer decides to allege her to be absent will not entitle the State not to pay her salary.

In that view of the matter, we find no reason to interfere with the impugned judgment. This appeal is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Arjun/Rajesh

AFR/NAFR	NAFR
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