

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.302 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 19562 of 2013

Suresh Choudhary S/o Late Sukhari Choudhary Resident of Village- Manduri, P.O- Sahungi, P.S- Jagdishpur, District- Bhojpur.

.... Appellant/s

Versus

1. The State Of Bihar through the Director Health Service Government of Bihar, Patna.
2. The Director, Health Services (T.B), Patna, Government of Bihar, Patna.
3. The Deputy Director, Health Services (T.B), Bihar, Patna.
4. The Director Cum Professor T.B. Demonstration And Training Centre, Patna, District- Patna.
5. The Civil Surgeon Cum Chief Medical Officer, Saharsa, District- Saharsa.
6. The District Provident Fund Officer, Patna Collectorate, Patna
7. The Deputy Superintendent, Sub- Divisional Hospital Supaul, District- Saharsa.

.... Respondent/s

Appearance :

For the Appellant : Mr. Awadhesh Kumar Singh Tarun with
Mr. Jitendra Prasad Shah, Advocates
For the Respondent/s : Mr. Md. Nasrul Hoda Khan, SC 18 with
Mr. Md. Naushaduzzoha, AC to SC 18

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 19-07-2016

The order dated 28th November, 2013 passed by the learned Single Bench is the subject matter of challenge in the present Letters Patent Appeal whereby, the challenge to the termination of the services of the appellant in the year 1993 was found to be suffering from delay and laches but in respect of deduction made from the salary of the appellant, a direction was issued to refund the same within four months from the date of receipt of a copy of the

order.

It appears that the appellant was appointed on purely ad hoc basis as Ward Attendant on 17.12.1985. The appellant claims that on completion of three years, his services were regularized by the Civil Surgeon-cum-Chief Medical Officer on 26.12.1990. It is thereafter the deductions on account of G.P.F. and other deductions from the salary of the appellant were said to be made. In the writ petition filed in the year 2013, the petitioner claimed reinstatement of service and also a direction for payment of all consequential benefits, including his arrears of salary as also payment of deductions made from the salary of the petitioner.

The learned Single Bench found that on the basis of representation of the appellant dated 31.05.1993, it transpires that the appellant was removed from service after working for a period of 7 years. It was found that the appellant has moved this Court for the redressal of his grievance after 20 years of his removal. Thus, the said claim of alleged removal was found to be suffering from delay and laches. However, in respect of deductions from the salary, the learned Single Bench issued direction to refund the same in accordance with law within four months of the date of receipt of a copy of the order.

We find that the order of the learned Single Bench is fair

and reasonable.

As per the respondents, the payment on account of G.P.F. fund has been authorized. Learned counsel for the appellant could not point out that any other amount would be payable to the appellant other than the Provident Fund.

In view of the said fact, no further orders are called for in respect of deductions as well.

The Letters Patent Appeal Stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P. Kumar/Anjani

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A