

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6828 of 2015

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1. Sudarshan Prasad, Son of Bechu Bhagat, resident of village- Gangauli Chandauli, Post- Gajiyarpur, via-Geradei, P.S. Ander, District- Siwan. At present posted as Class IVth employee in Primary Health Centre, Guthani, Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Health Services, Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Civil Surgeon-cum-Chief Medical Officer, Siwan.
5. The Incharge Medical Officer, Primary Health Centre, Guthani, Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha

For the Respondent/s : Mr. P N Sharma, AC to AG

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 01-07-2016

Petitioner was compelled to file writ application since the respondents stopped paying his salary from May, 2013.

It is the case of the petitioner that he was initially engaged on daily wage on a Class IV post on 15.3.1989. He was working at the Primary Health Centre, Guthani, in the district of Siwan. The Civil Surgeon cum Chief Medical Officer, Siwan, issued a letter No. 2054 dated 19.09.1991 to the Incharge Medical Officer of Primary Health Centre, Guthani to absorb the services of the petitioner on the post of Peon on the date of his joining on the said post, which is said to be 23.10.1989.

Now after two and half decades a question mark is being raised about the engagement and confirmation of the petitioner on the post since as per the General Administration's notification the cut off date for absorption for daily wager was fixed as 11.12.1990.

Letter No.2054 dated 19.09.1991 is not being questioned or disputed.

The continuance of the petitioner in his capacity on the post since 1991 also is not a matter of dispute and prior to 2013 he was being paid his salary regularly. The issue being sought to be raised now by the respondents is nothing but an exercise for harassment being meted out to the petitioner. The question which is being posed to the petitioner should be posed against the administration as to how and when he came to be engaged or regularized.

It is too late in the day, therefore, to permit the respondents to re-open the issue of engagement or appointment / regularization of the petitioner on the post of Peon who was in the evening of his life.

Writ application, therefore, is allowed.

Direction is issued upon the respondents including the Civil Surgeon, Siwan to ensure that the petitioner is paid his salary regularly including arrears from the day such payment was put on hold or stopped. The payment must accrue within a period of eight weeks from the date of production of a copy of this order.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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CAV DATE	
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