

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 16145 of 2015

Dr. Narendra Kumar, Son of Late Prayag Sao, resident of Malsalami Main Raod,
P.S. Malsalami, Patna City, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Labour Resources Department, Govt. of Bihar, Patna.
3. The Director, Health Services, Employees State Insurance Scheme, Labour Resources Department, Govt. of Bihar, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Prashant Sinha

For the Respondent/s : Mr. Ram Balak Mahto

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 14-01-2016

Heard learned senior counsel for the petitioner and
Learned counsel for the State.

A notification, dated 17.07.2015, annexed as annexure-5
series has become cause of action for filing the present writ
application by the petitioner.

Petitioner is a doctor working in the E.S.I. Dispensary,
posted at Patna. He came to be assigned responsibility of working
for 2 days at Bhagalpur and 4 days at Kahalgaon in addition to his
responsibility at Patna. Petitioner expresses a grievance that the
logistics of such assignment is not understood. The responsibility will
entail a lot of traveling. This kind of posting had been deliberately
done to harass the petitioner. Some other similarly situated people

have been accommodated in near-about districts. Petitioner has an ailing wife, who has to be attended to and there is none to take care of her etc., etc.

When the matter was initially taken up, the posting or transfer order / work assignment did read incongruous. The State, therefore, was directed to explain as to why such an arrangement has been done.

The reason for the order, contained in Annexure-5 series, is a direction of the Hon'ble Apex Court to ensure regular medical check up of workmen, working in power stations, fired by coal. The State of Bihar was also directed to take remedial steps to ensure implementation of the directives of the Hon'ble Apex Court and even a high powered meeting was held under the Chairmanship of the then Chairman of Bihar Legal Services Authority at Patna High Court.

The primary reason why the petitioner or similarly placed persons are facing this problem of dual assignments is lack of adequate man-power in E.S.I. Dispensaries to man them independently. This is an issue, which is required to be attended to by the State of Bihar. Steps have to be taken to expedite hiring of adequate hands, so that every E.S.I. Dispensary is manned by doctor and is not made to run around from one station to the other.

So far as the case of the present petitioner is concerned,

looking at the background under which the order has come to be passed, the Court may not like to interfere with the arrangement as of now, but the Court surely gives liberty to the petitioner to approach the Director, Medical Services, Government of Bihar to take a prudent view of the assignment of responsibility of the petitioner. So far as the logistic and traveling is concerned, a human approach in such a decision making is required.

If the petitioner files an application in this regard, a considered view would be taken.

Writ application stands disposed off with the above liberty and direction.

(Ajay Kumar Tripathi, J)

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