

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8043 of 2014

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1. Md. Kamaluddin son of Late Md. Noor Ahmad Residence of Village - English Post - Temura Via Jakhim (Railway Station) District - Aurangabad, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through its Secretary and Commissioner Department of Health Government of Bihar, Patna.
2. The State of Jharkhand through its Secretary and Commissioner Department of Health Government of Jharkhand, at Ranchi.
3. The Director in Chief Health Service, Government of Bihar, Patna.
4. The Accountant General, Bihar, Patna
5. The Civil Surgeon cum Chief Medical Officer Hajaribagh.
6. Incharge Medical Officer Primary Health Centre Satgawan District - Hazaribagh.
7. District Kusth Niwaran Officer, Hazaribagh.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Prasad
For the Respondent/s : Mr. U.S.S.Singh, G.P.-1
For Jharkhnd : Mr. M. Nath
For Accountant General : Mr. Kumar Priya Ranjan,

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 20-07-2016

Heard learned counsel for the parties.

The present application has been filed seeking a direction to the respondents to pay to the petitioner, post retiral dues including pension, gratuity, General Provident Fund amount and arrears of salary for the period 21.10.1989 to 01.01.1991.

It is the case of the petitioner that he was appointed as Technician in Samastipur Hospital on 06.02.1957. It is his further case that on 13.02.1990, he

applied for his voluntary retirement. A reference has been made in paragraph 7 that he had filed his application for voluntary retirement in the light of the Gazette notification, dated 27.04.1997.

This Court fails to understand as to how the petitioner filed his voluntary retirement in the year 1990 in the light of the Gazette notification issued subsequent thereto thereafter.

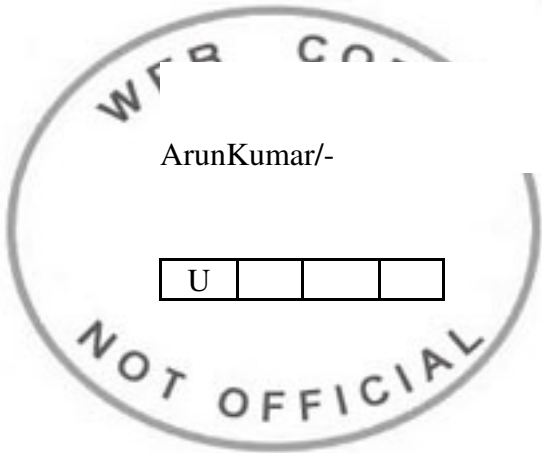
It is also his case that subsequently, by an order dated 10.10.1995, his application seeking voluntary retirement was accepted with effect from 01.01.1991.

From the contents of the writ application, I do not find any explanation for belated filing of the writ application, 23 years after the petitioner claims to have voluntary retired from service.

In the counter affidavit the petitioner's continuance in service itself has disputed and it has been stated that as a matter of fact, the petitioner was under suspension from 01.07.1987 to 12.07.2007 and thereafter, he remained absent from duty since October, 1989 without any information. This was detected only in course of inspection on 27.01.1993.

Considering the facts and circumstances of the case, I do not find any merit in this application. This

application is, accordingly, dismissed.



ArunKumar/-

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(Chakradhari Sharan Singh, J)