

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1875 of 2016

IN

Civil Writ Jurisdiction Case No. 10295 of 2011

With

Interlocutory Application No. 7863 of 2016.

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Arjun Kumar Singh S/o Late Shaligram Singh, R/o Village- Nagla, P.O.- Nagla
Kinjar, District- Jehanabad (Arwal) Presently residing at A/39, P.C. Colony,
Kankarbagh, P.S.- Kankarbagh, District- Patna.

.... Appellant – Petitioner.

Versus

1. The State of Bihar.
2. The Principal Secretary, Health Medical Education and Family Welfare
Department, Patna.
3. The Additional Secretary, Department of Health, Bihar, Patna.
4. The Director in Chief, Health Services, Bihar, Patna.
5. The Civil Surgeon-Cum- Chief Medical Officer, Patna.

.... Respondents / Respondents.

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Appearance:

For the Appellant/s : Mr. Sanjay Kumar, Advocate.

For the Respondent/s : Mr. Manisha Singh, AC to GP 7.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 13-12-2017

Re. I.A. No. 7863 of 2016.

There is a delay of 8 days in filing the Letters Patent
Appeal for which this Interlocutory Application has been preferred.

The delay is condoned.

The Interlocutory Application is allowed.

Re. L.P.A. No. 1875 of 2016.

The matter is thereafter taken up on merits.

The Writ Application of the appellant, who was a medical
doctor in the State Government, has been dismissed by the learned



single Judge on 11.08.2016. The prayer made in the Writ Application was that a direction be given for payment of his salary which has not been paid since 1999.

The Writ Application was moved in the year 2011 making a claim for payment of salary for 16 years without any plausible explanation as to why there has been an extra-ordinary delay of 16 years for non-payment of salary to him if he has worked at all for the period in question.

There are certain controversial contested facts with regard to the working of the petitioner and his continuance on the post as a regular medical doctor in the State.

That being so, the learned single Judge has rightly dismissed the Writ Application refusing to give any specific direction in his favour.

We agree with the reasons provided by the learned single Judge and refuse to interfere with the impugned order.

The Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
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