

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8843 of 2015

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1. Dr. Krishna Prasad Modi @ Krishna Prasad Modi son of Late Narayan Modi,
Resident of Mohalla- Line Bazar, in front of Sadar Hospital Purnia, District- Purnia

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, New Secretariat, Patna
2. Principal Secretary, Health Department, Government of Bihar, New Secretariat, Patna
3. Director-in-Chief, Health Services, Government of Bihar, New Secretariat, Patna
4. Civil Surgeon-cum-Chief Medical Officer, Kishanganj, District- Kishanganj
5. The Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.
For the Respondent/s : Mr. Sunil Kumar Mandal, SC-3
Mr. Bipin Kumar, A.C. to SC-3
For the Accountant General : Mr. Rabindra Kumar Priyadarshi, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 19-08-2017

In the present writ petition the claim of the petitioner is that the period of his service from 11.07.1995 to 22.12.1995 and from 23.12.1995 to 02.05.1999 has erroneously not been taken into account for calculation of pension and unutilized earned leave.

2. It is contended by the learned counsel for the petitioner that while in service the petitioner was suspended on 22.12.1995 and his suspension was revoked vide notification dated 03.05.1999. He has submitted that in the order dated 03.05.1999, whereby the suspension of the petitioner was revoked, it was clearly stated that the



period of suspension would be counted for the purpose of pension and other retrial benefits. So far as the period from 11.07.1995 to 22.12.1995 is concerned, he has submitted that during the aforesaid period the petitioner continuously discharged his duties as Medical Officer.

3. On the other hand, learned counsel for the State has submitted that the petitioner retired from service as Deputy Superintendent, Sub-Divisional Hospital, Kishanganj on 31.01.2000. His pension was sanctioned calculating 26 years 7 months and 160 days of service and no objection was raised in this regard for almost 15 years. He has submitted that the writ petition is fit to be dismissed on the ground of delay and laches itself.

4. I have heard learned counsel for the parties and perused the record.

5. It is true that there is inordinate delay in approaching this Court for the relief prayed for in the present writ petition. However, as the matter relates to counting of certain period for the purpose of pension, I do not think it appropriate to dismiss the writ petition on the ground of delay and laches.

6. Having regard to the nature of claim, the writ petition is disposed of with a direction to the petitioner to file a representation before the Principal Secretary, Health Department, Government of



Bihar, Patna within a period of four weeks from today raising his claim regarding counting of period for the purpose of pension. In case such a representation is filed, the Principal Secretary, Health Department, Government of Bihar shall be required to examine the same and pass a reasoned order within two months. In case, the claim of the petitioner is found admissible, consequential order for payment of the retrial dues be also issued within the aforesaid period of two months. In case, the claim of the petitioner is rejected, the order shall be communicated to him on his postal address.

(Ashwani Kumar Singh, J)

Pradeep/-

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

