

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9665 of 2016

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1. Vishwanath Singh, S/o Late Haridwar Singh, R/o village- Dullahpur, P.S.- Simri,
Dist. - Buxar at present working as a pharmacist posted at Additional Public Health
Centre, Sherpur, Patna.

2. Brij Kumar Sahu, S/o Kamnath Sahu, R/o Village- Bathua Bazar, P.S.-
Phulwaria, Dist- Rohtas Posted as Pharmacist P.M.C.H., Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.

2. The Chief Secretary, Government of Bihar, Patna.

3. The Principal Secretary, Health Department, Government of Bihar, Patna.

4. The Director-in-Chief, Health Services, Government of Bihar, Patna.

5. The Joint Secretary, Health Department, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Adv.

For the Respondent/s : Mr. Arvind Kumar No. 2- SC17

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 06-04-2017

Heard the parties.

The predicament of the petitioners stands noted in the order of this Court passed on 30.3.2017. Mr. Surendra Kumar Singh learned counsel for the petitioners submits that a promotional Rule though notified on 24.9.2014, is yet to be implemented and in between, the officials in the Bihar Pharmacist Cadre are retiring without any promotional benefits.

It is considering their grievance that this Court required a response on the issue from the Chief Secretary himself in consideration of the stand taken by the State in the counter affidavit filed through the Health Department that the matter was pending before the 'Prashasi Padvarg Samiti' of which the Chief Secretary happens to be the Chairman.

The Chief Secretary has since filed a supplementary counter



affidavit and Mr. Rohit Mishra learned A.C. to S.C.23 with reference to paragraph 7 of the said supplementary counter affidavit has informed this court on the constitution of the committee to submit that it is though presided by the Chief Secretary as its Chairman but consists of the Development Commissioner, the Principal Secretary, Department of Finance and the Principal Secretary, General Administration Department. In reference to paragraph 8 of the said supplementary affidavit he submits that the Chief Secretary has stated that necessary approval for restructuring would be completed within four weeks and within three months the entire formalities would be completed for implementation of the notification.

Having appreciated the petitioners grievances and in view of the undertaking given by the Chief Secretary on the implementation of the promotional rule, for the present, this Court is of the opinion that nothing further needs to be done on the issue raised and noted save and except to remind the Chief Secretary, Government of Bihar, to abide by his undertaking. It would be advisable for the Chief Secretary to bear in mind the predicament of those officials in the pharmacist cadre who are on verge of their retirement.

The writ petition is disposed of with the observation aforementioned.

Bibhash

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

(Jyoti Saran, J)

