

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12375 of 2016

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Dr. Ramkeshwar Prasad Sinha, son of Late Ganauri Prasad, resident of Village-Pawai, PS- Parwalpur, District- Nalanda at present Medical Officer, Additional Primary Health Centre, Tajpur Khijarsarai, Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through its Secretary.
2. The Secretary cum Commissioner, Health, Government of Bihar, New Secretariat, Bihar, Patna.
3. The Joint Secretary, Health Department, Bihar, Patna.
4. The Regional Additional Director, Health Services, Magadh Division, Gaya.
5. The Accountant General (A & E), Bihar, Patna.
6. The District Magistrate, Gaya.
7. The Civil Surgeon cum Chief Medical Officer, Gaya.
8. The District Account Officer, Gaya.
9. The Incharge Medical Officer, Primary Health Centre, Khijarsarai, Gaya cum Drawing Disbursing Officer, Additional Primary Health Centre, Tajpur Khijarsarai, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kaushal Kishor, Adv.
For the Respondent-State	:	Mr. Kumar Pankaj, AC to SC-5
For the Respondent-AG	:	Mr. Kumar Priya Ranjan, Adv. Mr. Niraj Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 27-11-2017

Heard Mr. Kaushal Kishore, learned counsel appearing for the petitioner, Mr. Kumar Pankaj, learned Assisting Counsel to Standing Counsel No.5 for the State and Mr. Kumar Priya Ranjan, learned counsel appearing for the Accountant General, Bihar, Patna.

The petitioner in the capacity of a Medical Officer has served the Additional Primary Health Centre, Tajpur, Khijarsarai in the district of Gaya and is aggrieved by the action of the district authorities including the respondent nos.7 to 9 in not according him



the benefit of pay-scale in terms of pay-slip issued by the Accountant General, Bihar, Patna, a copy of which is present at Annexure 2 to the writ petition.

The claim of the petitioner is not disputed by the Accountant General and Mr. Kumar Priya Ranjan, learned counsel appearing on their behalf, has in reference to the counter affidavit filed on their behalf, submitted that on no less than 3 occasions, directions have been issued to the Incharge Medical Officer, Gaya who also happens to be the Drawing and Disbursing authority, to make payment of the petitioner in terms of the pay-slip vide letter dated 7.3.2016, 27.5.2016 and 4.11.2016, copies of which are present at Annexure R-5/A to R-5/C to the counter affidavit.

The petitioner on his part has also represented before the Civil Surgeon cum Chief Medical Officer, Gaya in this regard, a copy of which is at Annexure 4 and since no steps was taken by the respondent authorities to provide the petitioner the benefit in terms of the opinion of the Accountant General as well as in terms of the notification dated 11.3.2015 at Annexure 1 more particularly paragraph 3 thereof that he is before this Court.

Having heard learned counsel for the parties and considering the material on record I am of the opinion that a laid back attitude on the part of the respondent nos.7 to 9, has led to unnecessary



litigation. The relief which should have been provided to the petitioner in normal course has to be routed through the process of this Court and wholly unwarrantedly.

In the circumstances discussed, I deem it proper to direct the Civil Surgeon cum Chief Medical Officer, Gaya to consider the grievance of the petitioner in the light of the opinion of the Accountant General, Bihar, Patna present in the counter affidavit filed herein as also taken note of herein above and issue appropriate order within four weeks from the date of receipt/production of a copy of this judgment including the orders regarding payment of arrears, if any.

The writ petition is allowed with the direction aforementioned.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05-122017
Transmission Date	NA

