

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2189 of 2016

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Prita Lal, Widow of Late Ishwar Lal, Resident of Mohalla & P.O. - Begumpur, P.S.
- Chowk Sikarpur, Patna City, District - Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Principal Secretary, Health Department Government of Bihar, Patna.
3. The Secretary, Labour Resources Department, Government of Bihar, Patna.
4. The Deputy Secretary, Labour Resources Department, Government of Bihar, Patna.
5. The Director Employees State Insurance, Labour Department, Government of Bihar, Patna.
6. The Deputy Director, Employees State Insurance, Labour Department, Government of Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushal, Adv.
For the Respondent/s : Mr. Nagendra Pd. Yadav, SC-23
Mr. Ranvijay Singh, AC to SC-23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 11-10-2017

Heard learned counsel for the petitioner and the learned
counsel appearing on behalf of the State.

2. The respondents have filed counter affidavit wherein
Annexure 'A' has been enclosed. In the counter affidavit filed on
20.7.2017 a statement has been made that the respondents have taken
a decision to sanction leave vide Memo No. 585(s) dated 7.7.2017.

3. Learned counsel for the petitioner submits that the
respondents while sanctioning leave have included that period when
the husband of the petitioner was waiting for posting. As such, he is



entitled to payment of salary when her husband was waiting for posting.

4. Considering the fact that the respondents have already taken a decision to sanction leave and they have admitted in the counter affidavit that pursuant to the notification dated 7.7.2017 the answering department has already given approval of the admitted dues and request has been made to the Finance Department to issue authority letter in favour of the petitioner, the writ petition is disposed of with the liberty to the petitioner to file a representation with regard to claim for payment of salary during the period her husband was waiting for posting. The respondents are under obligation to not only pay the admitted dues in terms of Annexure 'A' dated 7.7.2017 but also oblige to decide the claim of the petitioner for payment of salary for the period her husband was waiting for posting. If such a representation is filed before the Principal Secretary, Health Department, Govt. of Bihar (respondent no.2) within a period of one month from today, respondent no.2 shall see that all the dues emanating from issuance of the notification sanctioning leave must reach the petitioner within a period of two months from the date of filing of such representation. Within the same period the respondents shall also take a decision on the representation with regard to the claim of the petitioner for payment of salary during the period her



husband was waiting for posting and he shall ensure that all the payments to which the petitioner is found entitled is paid to the petitioner within a further period of two months from the date of such decision.

5. It is made clear that if the admitted dues of the petitioner are not paid within the aforesaid period, the petitioner shall be entitled to payment of interest at the rate of 9% per annum from the date of its accrual till the date of actual payment and the interest would be borne out from the pocket of the erring officer and respondent no.2 shall fix responsibility on the erring officer for delay, if any, in taking such decision.

6. With the aforementioned observation, this application stands disposed of.

(Anil Kumar Upadhyay, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.10.2017
Transmission Date	NA

