

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23684 of 2012

=====

Rajesh Kumar Sinha Son of Late Chatarbun Prasad Resident of Sahpur, P.S.
Danapur, District- Patna

.... Petitioner

Versus

1. The Principal Secretary, Department of Health-Cum-Chairman, Bihar State Aids Control Society, Government of Bihar, New Secretariat, Patna
2. Secretary, Department of Health-Cum-Project Director, BSAC Society, Patna, Sheikhpura
3. The National Aids Control Society (NACO), Government of India, New Delhi

.... Respondents

=====

Appearance:

For the Petitioner : Mr. Shahabuddin Azeem, Advocate
For the Respondents : Mr. Sanjiv Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-09-2017

The present writ petition has been filed for a direction to the respondents to pay the salary of the petitioner as also arrears of increment as he has been working as Counselor at ICTC in Bihar State Aids Control Society.

2. Learned counsel for the petitioner submits that he was initially appointed as Male Counselor vide memo no. 616 dated 29.03.2005 and directed to join BCTC Centre at Sadar Hospital, Biharsharif, Nalanda by 31.03.2005 which he complied with and the services of the petitioner were extended regularly from 31.03.2005 onwards. That in due course the petitioner was transferred from Sadar Hospital, Biharsharif, Nalanda to Indira Gandhi Institute of Medical



Sciences (IGIMS), Sheikhpura, Patna vide memo no. 603 dated 13.07.2010 after which he has been working at IGIMS, Patna. It is stated, however, that payment of salary has been made to the petitioner only upto 31.07.2011 and repeated requests for payment of salary thereafter has not borne any result.

3. A counter affidavit has been filed on behalf of the respondent Society, *inter alia*, stating that the petitioner did not sign the contract for extension of his service at the first place of posting and thus his services on contract basis were not extended after 31.07.2011 after which date the honorarium has not been paid to the petitioner.

4. A copy of the counter affidavit has been served on the petitioner as far back as on 03.10.2013 but however, the statements made therein have not been controverted and no rejoinder has been filed on behalf of the petitioner. However, learned counsel for the petitioner states on instruction that as a matter of fact he continues to work at IGIMS, Patna and even today as evident from the monthly absentee chart issued by the IGIMS, Patna. He relies on the order of this Court in CWJC No. 3919 of 2013 passed in the case of similarly situated persons. The LPA No. 1150 of 2013 filed by the Respondent Society was also dismissed.

5. Having regard to the respective stands of the rival parties, this Court is of the view that the ends of justice will be met if



the petitioner is granted liberty to file an appropriate representation before the Project Director, Bihar State Aids Control Society, Patna, Sheikhpura (Respondent no. 2) for redressal of his grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered on its own merits and disposed of after grant of opportunity of hearing to the petitioner in accordance with law expeditiously and in any event preferably within a period of two months thereafter.

6. The writ petition stands disposed of.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	06.09.2017
Transmission Date	N.A.

