

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.795 of 2016

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Braj Nandan Roy, Son of Late Rameshwar Prasad Roy, Resident of Nav Vikash Lane, P.S. Aashina Nagar, Town & District - Patna

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Govt. of Bihar, Patna
2. Director-in-Chief, Health Services, Bihar, Patna
3. Chief Malaria Officer, Bihar, Patna
4. Regional Deputy Director, Health Services, Koshi Division, Saharsa
5. District Malaria Officer, Patna
6. Civil Surgeon cum Chief Medical Officer, Patna
7. Incharge Medical Officer, Primary Health Centre, Phulwarisharif, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shiv Kumar, Advocate

For the Respondent/s : Mr. Anil Kumar Singh, G.P. 26

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 20-06-2017

Delay of 2 days in filing of this appeal is condoned. I.A.

No. 6199 of 2016 stands allowed.

In view of the order passed in the case of the appellant in the earlier round of litigation on 20th of May, 2009 in C.W.J.C. No. 6431 of 2009, directing only for reinstatement of the appellant and liberty to the respondents to proceed afresh with the inquiry, in the absence of there being any specific direction to pay arrears of salary to the appellant, in case after the inquiry he is exonerated, the learned Writ Court has not committed any error in denying the arrears of



salary to the appellant on such consideration.

The Writ Court in the earlier writ petition i.e. C.W.J.C. No. 6431 of 2009 having not issued any direction for granting consequential benefit of arrears of salary on exoneration of the appellant after fresh inquiry, we find no error in the order passed by the learned Writ Court now denying the arrears of salary after exoneration. In case appellant has any grievance now in this regard, he should have sought for consequential benefit after orders were passed on 20th of May, 2009 in C.W.J.C. No. 6431 of 2009 and when in the said order passed the learned Writ Court has not given any relief with regard to the arrears of salary, we find no case made out for making any indulgence with regard to the orders passed by the learned Writ Court.

Finding no merit, the Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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