

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.419 of 2017

In
Civil Writ Jurisdiction Case No. 13684 of 2016

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Kartikey Kumar, son of Gopi Nath Dwivedi, resident of Village- Parsouni Devajit Mehasi, P.S.- Mehasi, District- East Champaran (Motihari), at present resident of Om Diagnostic Centre, Road No.- 7 Rajendra Nagar, P.S.- Kadam Kuan, District- Patna .

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Govt. of Bihar, Patna.
2. The Director-in-Chief, Health Services, Govt. of Bihar, Patna
3. The Nodal Officer, Para Medical Cell, I.A.S. Association Building, Patna-14
4. The Executive Director, State Health Society, Sheikhpura, Patna, Bihar
5. The Principal Patna Medical College & Hospital, Patna

.... Opp.Parties

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Appearance :

For the Petitioner/s : Mr. Arup Kumar Chongdar, Adv.

For the Respondent/s : Mr. S. D. Yadav - Aag 9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

3 21-02-2018 Heard Mr. Arup Kumar Chongdar, learned counsel for the petitioner and Ms. Sama Sinha, AC to AAG-9, for the State.

The review application has been preferred on two counts, namely:

(a) Even though the refusal by the Principal, Patna Medical College and Hospital to accept joining of the petitioner on 11.9.2014, impugned at Annexure 11, has been quashed but this Court has not granted the petitioner consequential relief of arrears of salary; and

(b) No order has been passed as to the claim of the salary of the petitioner for the period he has worked i.e. 21.1.2014 to 11.9.2014 as confirmed from the statement made in paragraphs 14



and 16 to the writ petition.

Having heard learned counsel for the parties and having considered the order passed on the writ petition while the issue raised by Mr. Chongdar at paragraph 1(a) would not persuade this Court to call for a review because the consequential relief on quashing of the termination order dated 11.9.2014, impugned at Annexure 11, has been negated by this Court and if so aggrieved the petitioner can well prefer an appeal before a superior forum but in so far as the claim for arrears of salary for the period the petitioner claims to have worked i.e. 21.1.2014 to 11.9.2014 is concerned, as stated in paragraphs 14 and 16 to the writ petition and claimed at paragraph 1(c) of the writ petition, I deem it proper to afford liberty to the petitioner to raise his claim before the Principal, Patna Medical College and Hospital and it goes without saying that any such application filed by the petitioner claiming salary for the period he claims to have discharged duties would be considered and disposed of by a speaking order within a period of three months of its filing.

The judgment and order of this Court passed in C.W.J.C.No. 13684/2016 stands modified to that extent and the review application is allowed.

(Jyoti Saran, J)

Surendra/-

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