

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22793 of 2012

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Krishna Nandan Gupta, son of Late Chandi Prasad, resident of Lakshmana Nagar, Ring Bandh Sitamarhi.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Department of Health, Bihar, Patna.
3. The Under Secretary, Department of Health, Bihar, Patna.
4. The Joint Secretary, Department of Health, Bihar, Patna.
5. The Director in Chief, Health Services, Bihar, Patna
6. The Deputy Director, Health Services, Bihar, Patna
7. The Regional Deputy Director, health Services, Tirhut Division, Muzaffarpur.
8. The Civil Surgeon –cum- Chief Medical Officer, Sitamarhi.
9. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Adv.
For the Respondent/s : Mr. Krishna Kant singh, SC-10.
Mr. Dhanendra Chaubey, AC to AG.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 14-09-2018 Heard Mr. Ajay Kumar, learned counsel appearing for the petitioner, Mr. Krishna Kant Singh, learned Assisting Counsel to Standing Counsel No.10 for the State and Mr. Dhanendra Chaubey, learned counsel appearing for the Accountant General.

The petitioner while questioning the order bearing Memo No.143(2) dated 15.02.2012 passed by the Principal Secretary, Health Department, prays for a direction to the respondents to treat the period 08.09.1978 to 23.09.1981 as admissible leave which period has been treated as extraordinary



leave by the respondents for the purpose of continuity of service and superannuation benefits.

The order of the Principal Secretary is passed in the light of the direction issued of this Court on a writ petition filed by the petitioner raising same grievance arising from CWJC No.5200 of 2005. A perusal of the order impugned would show that the absence of the petitioner for a period of more than three years was unauthorized and it is taking lenient view of the matter that the Department has treated the same as extraordinary leave for the purpose of continuity of service and superannuation benefits, there is no merit in the claim so advanced. Apart therefrom, the fact that the petitioner superannuated as back as on 31.01.2001, the matter needs to be given a quietus, which is done by the dismissal of the writ petition.

The writ petition is dismissed accordingly.

(Jyoti Saran, J)

SKPathak/Anjula

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