

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.220 of 2016

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1. Sushila Kumari Wife of Raj Narayan Rai Residence of Mohalla - D - 37, Police Colony Anisabad, P.S. - Gardanibagh, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Health Secretary, Health Department, New Secretariat, Bihar, Patna.
3. The Director-in-Chief, Health Services, New Secretariat, Bihar, Patna.
4. The Civil Surgeon cum Chief Medical Officer, Gardanibagh, Patna.
5. The In Charge Medical Officer, Primary Health Centre, Pandarak, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Adv.

For the Respondent/s : Mr. Deepak Kumar, A.C. to S.C.5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 26-02-2018

A prayer for pass over is being made which is refused.

The grievance of the petitioner was taken note of by this Court in the order recorded on 29.1.2018 and learned State counsel was directed to inform as regarding the claim of the petitioner for fixation of his salary on account of grant of third M.A.P.C. as also the payment of the differential amount with effect from 1.7.2013. The matter has thereafter been taken up today when Mr. Deepak Kumar learned A.C. to S.C. 5 has invited the attention of this Court to the counter affidavit of the respondent No. 4 i.e Civil Surgeon- cum-



Chief Medical Officer, Gardanibagh, Patna which was served on learned counsel for the petitioner on 16.2.2018, to submit that the salary of the petitioner in the light of third M.A.C.P. has been fixed and the payment of the differential amount of arrears of salary on grant of third M.A.C.P with effect from 1.7.2013 to 31.7.2013 has been sanctioned by the Incharge, Medical Officer, Primary Health Centre, Sadar, Block-Patna and sent to the Bank of the petitioner. He next refers to paragraph 8 to submit that a further amount of Rs. 7500/- towards uniform allowance for the period 2010-11 to 2014-15 has also sanctioned and sent to his account for payment. He thus submits that the grievance of the petitioner stands redressed.

Although the copy of the counter affidavit was served on learned counsel for the petitioner on 16.02.2018 but the statements made therein has not been contested even after lapse of 10 days and when the matter is taken up, a prayer for pass over is made as noted above which prayer has been rejected.

Mr. Deepak Kumar learned counsel for the State informs that there is a typographical error in the amount mentioned in paragraph 5 of the counter affidavit which reads as Rs. 15000/- in place of Rs. 1500.

Leave is granted to Mr. Deepak Kumar to make correction in



paragraph 5 of the counter affidavit filed on 16.2.2018 during the course of the day.

The writ petition is disposed of.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.03.2018
Transmission Date	NA

