

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1609 of 2015

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Jagadish Mallick S/o late Sarb Narayan Mallick, Resident of village Dhurlakh, P.O. Kishanpur, P.S.- Warisnagar, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Medical Education and Family Welfare, Patna
2. The Secretary Finance, Govt. of Bihar, Patna
3. The Principal Darbhanga Medical College, Laheria Sarai, District Darbhanga
4. The Collector, Darbhanga
5. The District Accounts Officer, Darbhanga
6. The Accountant General, Bihar, Patna.
7. The Treasury Officer, Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Narayan, Advocate
For the State : Mr. Vijay Bharti, AC to SC 7
For the AG : Mr. Vivekanand Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 07-05-2018

Learned counsel for the petitioner is permitted to implead the Treasury Officer, Darbhanga as respondent no. 7.

2. Heard learned counsel for the petitioner and the respondent State.

3. On a declaration made by this Court in the case of Medical College Hospital & Public Health Laboratory Technologists Association, Darbhanga & Others in C.W.J.C. No. 11873 of 1998 by order dated 06.03.2000, the Laboratory Technician and Laboratory Assistants were granted equal pay for equal work. The petitioner who was working as Laboratory Technician in terms of the said order



became legally entitled for revision of his pay and allowances at par with the laboratory Assistants with effect from 01.04.1981. However, being denied the benefits in terms of the said order, he has approached this Court by filing the instant writ petition.

4. Counter affidavit has been filed by the respondent no. 3, the Principal of Darbhanga Medical College Hospital, Laheria Sarai, Darbhanga wherein he has stated that the claim of the petitioner has been allowed and revised pay scale of Rs. 680- 965/- with effect from 01.04.1981 with consequential revisions under pay revision with effect from 01.01.1986 and 01.01.1996 has been revised and sent to the Accountant General. The respondents therefore, have acknowledged the entitlement of the petitioner to the revised pay scale as noticed hereinabove.

5. The petitioner since retired on 31.01.2000 is also entitled to consequential revision/enhancement of his pensionary benefits which as per the counter affidavit filed by the Accountant General has already been authorized. In spite of all these developments subsequent to the declaration by this Court in C.W.J.C. No. 11873 of 1998, the petitioner's counsel contends that the monetary benefits arising out of the said decisions has still not been made available.

6. Since the decision to grant the benefits at such a belated



stage has already been taken by the respondent authorities, no useful purpose would be served by keeping the instant writ petition pending.

7. In view of the circumstances noticed herein above, this Court would direct the respondent no. 3, the Principal of Darbhanga Medical College Hospital, Laheria Sarai, Darbhanga to ensure that the financial benefits arising out of the decision of the respondent authority as noticed above are paid to the petitioner within a period of three months from today. The respondent authorities would be obliged to communicate the details of calculation to the petitioner along with the dues whatever are admissible to the petitioner in terms of their decision.

8. Considering the fact that admissible claims of the petitioner has been delayed for such a long time, this Court would further direct that if the entire exercise is not completed within a period of three months from the date of receipt/production of copy of this order, the petitioner would be entitled to interest at the Bank rate effective from time to time on the dues of the petitioner with effect from the date of filing of the instant writ proceedings, i.e. 23.01.2015.

9. With the aforesaid observations and directions, the writ petition is disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

