

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.268 of 2016

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Bishnudev Prasad S/o late Kuwar Singh Resident of village -Panditpur, Po & P.S
Rajgir, District Nalanda.

.... 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, Bihar Patna.
3. The Civil Surgeon-cum-Chief Medical Officer, Muzaaffarpur,.
4. The Medical officer In'charge ,primary Health Centre, Kanti, Muzaaffarpur..
5. The Medical Officer Incharge, Primary Health Centre, Motipur, Muzaaffarpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Jayant Kumar Karn, Advocate
For the Respondent/s : Mrs. Shally Kumari, AC to SC-24

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT

Date: 29-01-2018

Heard Mr. Jayant Kumar Karn, learned counsel
appearing for the petitioner and Mrs. Shally Kumari, learned AC to
SC 24 for the State.

The petitioner has filed the writ petition seeking a
direction to the respondent authorities to regularize the period of
service of the petitioner from 27.11.2007 to 13.6.2008 during which
the petitioner since after joining the State of Bihar on being relieved
from the State of Jharkhand was kept waiting for posting. The
petitioner also prays for grant of consequential benefits.

A counter affidavit is filed on behalf of the respondent
Director-in-Chief, Department of Health and paragraph-7 of the



counter affidavit would redress the grievance of the petitioner wherein the claim has been upheld and appropriate directions have been issued to the Civil Surgeon and the Treasury Officer to grant him consequential relief. It is now the submission of Mr. Karn that although order has been passed on 18.1.2017 to grant continuity of service to the petitioner for the period 27.11.2007 to 13.6.2008 but consequential action has to be undertaken by Civil Surgeon for modification of the pensionary benefits since the petitioner has superannuated with effect from 30.6.2014 and appropriate recommendation be sent to the Accountant General for needful action.

Having heard learned counsel for the parties and considering that the period of service of the petitioner from 27.11.2007 to 13.6.2008 has been granted continuity, let the respondents including the Civil Surgeon-Cum-Medical Officer, Muzaffarpur take appropriate action for grant of consequential relief to the petitioner in respect of his in service and/or post retiral benefits as found admissible together with necessary recommendation as found necessary to the Accountant General, Bihar, Patna.

Since the petitioner is a superannuated employee, the Civil Surgeon-um-Chief Medical Officer, Muzaffarpur shall take expeditious steps for necessary modification in the pension payment



order of the petitioner by the Accountant General within a period of three months from the date of receipt/production of a copy of this order.

The writ petition is disposed of with the directions above.

(Jyoti Saran, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10-02-2018
Transmission Date	

