

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3940 of 2014

=====

1. Padma Singh Wife Of Late Dr. Krishna Kumar Singh Resident Of Village- Jamhore, P.S.- Jamhore, District- Aurangabad, At Present Resident Of House No. 3518, Sector-23, Gurgaon, P.S.- Palam Vihar, District- Gurgaon, Haryana

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Health Department, Government Of Bihar, Vikas Bhawan, Patna
2. The Joint Secretary, Health Department, Government Of Bihar, Vikas Bhawan, Patna
3. The Deputy Secretary, Health Department, Government Of Bihar, Vikas Bhawan, Patna
4. The Director-In-Chief, Health Services, Government Of Bihar, Vikas Bhawan, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Manager Sah

For the Respondent/s : Mr. Aag13- A.K. Chaudhary

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 28-08-2018 Claiming arrears for payment of difference of salary for the post of Director, Physical Medicine and Rehabilitation, Government of Bihar, in addition to the post of Associate Professor, on which post the petitioner's husband (since deceased) was posted, the writ petition has been filed.

The claim of the petitioner's husband was rejected under the order, dated 28.3.2011. In the said order the petitioner's husband was directed to produce the proof, being notification, document, showing assuming of charge of the said post of Director, Physical Medicine and Rehabilitation. The writ petition has been filed by the wife of the deceased employee. In the order, dated 28.3.2011, the Department has not said that the relevant documents are not available in the department



pertaining to the claim of the petitioner. Merely a request has been made that he should produce the relevant document in support of his claim. Such a direction could have been complied with only by the husband of the petitioner. Since he is no more imposing such a requirement on wife of the deceased government servant appears to be highly unreasonable. More so when the employer who is custodian of service records should have the entire service records of the deceased government servant.

In view of the aforesaid observation, this writ petition is disposed of with a direction to the respondent No. 1 to take a decision on the claim of the petitioner for payment of difference of salary from 1979 to 1992, during which period she claims that her husband has discharged the duties as Director, Physical Medicine and Rehabilitation in addition to his post of Associate Professor. The claim must be examined and if anything is found due the same should be paid to the petitioner. Since records will have to be traced out for taking a final decision on the claim of the petitioner, interest of justice would be served if the respondent is allowed three months' time for examining the claim. Let a final decision be taken and communicated to the petitioner within a period of three months from the date of receipt/production of a copy of this order. If any dues are found admissible the same be paid within a month thereafter.

The writ application stands disposed of.

(Madhuresh Prasad, J.)

Snkumar/-

U		T	
---	--	---	--

