

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1796 of 2013

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Shanker Ram Son Of Mr. Dina Nath Ram Resident Of Mirchak, P.O. - Arrah
Chowk, P.S. - Arrah Town, District - Bhojpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner-Cum-Secretary, Health Department Bihar, Patna
3. The Director Health Department, Bihar, Patna
4. The Civil Surgeon-Cum-Chief Medical Officer, Bihar, Patna
5. The Medical Officer-In-Charge Health Centre, Arrah

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. BARUN KUMAR CHOUDHARY

For the Respondent/s : Mr. SUBHASH PD. SINGH GA7

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date: 24-01-2018

This petition under Article 226 of the Constitution of India has been filed for direction to respondents for payment of arrears and difference of salary with effect from 09.11.2005 to 28.12.2010 for which the petitioner is entitled.

Petitioner joined his service on 18.02.1979 at Sadar Prakhand Arrah and after completion of 10 years of his service he was promoted on the post of “Lipik” on 16.12.1989 which is a Class III post. However, he was reverted to Class IV post on 09.11.2005 against which petitioner filed C.W.J.C. No. 154 of 2008 which was disposed of on 23.08.2010 directing the respondents to consider the representation of petitioner in light of cases of similar nature disposed of by this Court earlier and grant similar relief to petitioner.



A counter affidavit has been filed on behalf of respondents in which it has been stated that petitioner was reverted on the post of 4th grade and again posted on the post of 3rd grade and in compliance of Hon’ble High Court’s order and difference of salary for the period from 09.11.2005 to 28.12.2010 has not been paid to similar situated persons and as such, petitioner is not entitled for the same. In the memo dated 24.12.2010 is enclosed as Annexure-2 of writ petition it has been stated in the note that the intervening period will be not treated as break in service but financial benefit will be not granted and same will be granted from the date of joining. Similar order has been passed in case of similar situated persons, as such no relief can be granted to the petitioner.

Considering the facts and circumstances of the present case and also in view of the fact that this Court had directed the concerned authority to grant similar relief to the petitioner as has been granted to similarly situated persons and petitioner has also been treated similarly by the respondent authorities, as such, there is no merit in this writ petition and same is dismissed.

(S. Kumar, J)

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