

**IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2133 of 2018**

In

Civil Writ Jurisdiction Case No. 3852 of 2011

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Ramesh Chandra Jha

.... Petitioner/s

Versus

The State of Bihar Through Sri Sanjay Kumar The Secretary
Cum Commissioner Department of Health Education (Deshi
Chikitsa) And Family Welfare & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad Sinha
For the Respondent/s : Mr. Ajay Bihari Sinha - Ga 8

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 12-09-2018

A supplementary show cause has been filed today
on behalf of the Opposite Party No. 2. Paragraph-4 of the same
reads as under:

“4. That it is humbly submitted that
thereafter, necessary approval of the State
Cabinet was obtained in this matter and
now, vide Health Department’s Memo No.
1138(Aa. Chi.) dated 05.09.2018 whereby
the petitioner and similarly situated persons
of the Bihar Ayush (Ayurvedic, Unani and
Homeopathic), Medical Education Service
Cadre, who had retired from their service at
the attending the age of 62 years, in between
the period from 28.01.2011 to 22.12.2011,
have been granted the benefit of
enhancement of age of retirement till 65
years and accordingly, the consequential
payments will also be made to the
concerned, which would be recoverable from
them, subject to outcome of SLP (Civil) CC
No. 24758-24765/2016.”



Learned counsel representing the State has ensured that the Department would release the consequential benefits immediately after the petitioner submits his undertaking in terms of the statement made in paragraph-4 of the supplementary affidavit. The court has been given to understand that the order of learned writ court stands complied with and therefore this case need not proceed.

However, in case it is found that the consequential benefits have not been paid to the petitioner despite furnishing the undertaking, he will be at liberty to file an affidavit in the present contempt application bringing this fact to the notice of this court.

In view of the aforesaid, this contempt application stands disposed off.

Rajeev/-

(Rajeev Ranjan Prasad, J)

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