

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1041 of 2019

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Dr. Devendra Kumar Sharma, Son of Late Dashrath Prasad Sharma, Resident of Village – Ghariyari Chak, Police Station+P.O. Mehshi, District – East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Home Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Health Department, Govt. of Bihar, Patna.
3. The Accountant General, Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The District Magistrate, East Champaran at Motihari.
6. The Superintendent of Police, East Champaran at Motihari.
7. The Civil Surgeon, East Champaran at Motihari.
8. The Hospital Incharge Police Hospital, East Champaran at Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner	: Mr.Anil Kumar, Advocate.
For the Respondents	: Mr.S.D.Yadav -Aag9
For the Accountant General	: Purushottam Kumar Jha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 14-02-2019

Heard the learned counsel for the petitioner and

the learned counsel for the State.

2. The petitioner, who joined the Bihar Health Services as Medical Officer and after serving for 34 years and 4 months, superannuated, is aggrieved by the fact that in the entire service career, he was paid only one ACP in the year 2007 and the benefit of second ACP as well as the dynamic ACP, which is admissible to the doctors, has been withheld from the petitioner.



3. The representation which has been preferred by the petitioner before the Principal Secretary, Health Department, Govt. of Bihar, Patna on 20.07.2017 and successive such representations/reminders have yielded no result till date. The petitioner has not even been communicated whether his claim has been found to be tenable.

4. This Court is of the view that the petitioner is entitled to know whether his claim is tenable and if the answer is in the positive, necessary orders are required to be passed for giving him the benefit of financial progression to which he is entitled.

5. Under the aforesaid circumstances, this Court directs the petitioner to file a fresh representation before the Principal Secretary, Health Department, Govt. of Bihar, Patna (respondent no. 2) detailing his grievances, within a period of three weeks from today. On receipt of such representation, the concerned respondent shall dispose of such representation within a period of four



weeks thereafter. The aforesaid time schedule has been given only on consideration that the petitioner has superannuated and the grant of second and dynamic ACP to him, in case he is entitled for the same, would lead to enhancement in the post-retiral benefits which the petitioner is getting.

6. With the aforesaid direction/observation, the writ petition is disposed off.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.02.2019
Transmission Date	

