

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1240 of 2019

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Awani Kant Mishra, aged about 55 years (Male), Son of Biyas Mishra,
resident of Village- Panchbhiriya, P.S. Ramgarhwa, District East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Additional Secretary, Department of Health, Government of Bihar, Patna
4. The State Health Society, Bihar, Pariwar Kalyan Bhawan, Sheikhpura, Patna 800014 through its Member Secretary cum Principal Secretary, Department of Bihar, Patna.
5. The Member Secretary, State Health Society, Bihar, Pariwar Kalyan Bhawan, Sheikhpura, Patna 800014 cum Principal Secretary, Department of Health, Government of Bihar, Patna.
6. The Executive Director, State Health Society, Bihar, Pariwar Kalyan Bhawan, Sheikhpura, Patna 800014 cum Joint Secretary, Department of Health, Government of Bihar, Patna.
7. The Zila Padadhikari cum Chairman, District Health Society, East Champaran, Motihari, District East Champaran.
8. The Civil Surgeon cum Member Secretary, District Health Society, East Champaran, Motihari, District East Champaran.
9. The Incharge Medical Officer, Primary Health Centre, Ramgarhawa, District East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Bhakta, Adv.

For the Respondent No./6 : Mr. K.K. Sinha, Adv.



For the State : Mr. Birju Prasad, GP13
Mr. Ashok Kumar, AC to GP13

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 22-01-2019

Heard the learned counsel for the petitioner, the State and respondent No. 6/the Executive Director, State Health Society, Bihar.

2. The petitioner is the husband of an AASHA worker, who, after putting in 11 years of service, died on 12.01.2017 while in service.

3. The petitioner has approached this Court for a direction to the respondent authorities for payment of Rs. 4,00,000/- as *ex-gratia* payment to the next kith and kin of such AASHA workers who died while in service, on the strength of a resolution issued by the Department of Health, Govt. of Bihar *vide* Resolution No. 86 (12) dated 03.02.2015.

4. The learned counsel for the petitioner has stated that the aforesaid resolution has been acted upon and pursuant to such resolution, the details of such deceased AASHA workers have been sought from various Civil-



Surgeons-Cum-Member Secretaries, District Health Societies. The petitioner, who is the husband of the deceased AASHA worker, has been running from pillar to post, but to no avail.

5. The averment made in the writ petition is that the Civil-Surgeon-Cum-Member Secretary, District Health Society, East Champaran, Motihari has been represented by the petitioner but till date, no order has been passed.

6. The learned counsel appearing for the respondent No. 6/the Executive Director, State Health Society, Bihar, on instructions, has stated that matter with respect to *ex-gratia* payment on death of an AASHA worker is pending consideration in the Finance Department and is in the process of finalization.

7. In any view of the matter, the petitioner is directed to make a fresh representation before respondent No. 6/the Executive Director, State Health Society, Bihar within a period of four weeks from today. On receipt of such representation, speaking order shall be passed by the



respondent No. 6/the Executive Director, State Health Society, Bihar within a period of eight weeks to be counted from the date of filing of the representation.

8. With the aforesaid direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.01.2019
Transmission Date	N/A

