

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7888 of 2019

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Dr. Oswald Anthony, male, aged about 74 years, Son of Late Lawrence Anthony, R/o- Flat No. 304/B, Anmol K.P Tower, Friends Colony More, Digha Ashiyana Road, Patna-800025.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Health and Family Welfare Department, Government of Bihar, Patna.
3. The Joint Secretary, Health and Family Welfare Department, Government of Bihar, Patna.
4. The Under Secretary, Health and Family Welfare Department, Government of Bihar, Patna.
5. The Director in Chief, Health Services, Government of Bihar, Patna.
6. The Civil Surgeon cum Chief Medical Officer, Ara.
7. The In-Charge Medical Officer, Referral Hospital, Sahpur (Bhojpur), Ara.
8. The Account General A & E, Bihar, Birchand Patel Patna, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	: Ms. Roona, Adv.
For the State	: Mr. Birju Prasad, GP-13 Mr. Anmol Kumar, JC to GP-13 Mr. Amresh, AC to GP-13
For the Respondent No. 8	: Mr. Ram Yash Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT
Date : 13-05-2019

Heard the learned counsel for the petitioner and the State.

2. The petitioner seeks a direction to the respondent authorities to grant him the benefits of 1st and 2nd A.C.P. on completion of twelve and twenty four years of



service in the pay-scales of Rs. 10,000 to 15,200 and Rs. 12,000 to 16,500 respectively with all other consequential reliefs.

3. It has been submitted on behalf of the petitioner that he was appointed as a Dental Surgeon on 04.09.1971 and superannuated on 30.06.2004, after working for approximately thirty three years. The claim of the petitioner for the A.C.P. in the aforesaid pay-scale was denied in year 2012 as at that time, there was no service rules for Dental Surgeon and, therefore, the A.C.P. was given to the petitioner on the basis of the old scale. The Dental Service Rules, it has been urged, has undergone change and the Bihar Dentist Service Rules, 2014 is now in existence.

4. It is the case of the petitioner that similarly situated persons and even persons who are junior to him in service have been given the benefit of such scheme under the new Rules of 2014, whereas for no apparent reason, the same relief has not been given to the petitioner.

5. Under the aforesaid circumstances, this Court



deems it appropriate to direct the petitioner to make a representation before the Principal Secretary, Health and Family Welfare Department, Government of Bihar, Patna (respondent No. 2), detailing his grievances, within a period of four weeks from today, who, on receipt of such representation, shall, after verifying the records and the law in that regard, pass a reasoned order within a further period of eight weeks thereafter. In case, the claim of the petitioner is found to be tenable, necessary sequel order shall be passed by the concerned respondent within the aforesaid stipulated period.

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

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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