

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 6034 of 2015

Dr Ajay Kumar, son of Late Anirudha Prasad, Vill.- Puranikilla, Baniyatoly,
P.S.- Siwan, Dist.- Siwan, presently posted as Ayurvedic Chikitsa Padadhikari,
Zila Sanyukta Aushdhalaya, Saharsa, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Department of Health, Bihar, Patna
2. The Secretary, Department of Health, Bihar, Patna.
3. The Director (AYUSH), State of Bihar, Patna.
4. The State of Jharkhand through its Secretary, Health, Ranchi, Jharkhand
5. The Secretary, Department of Health, Ranchi, Jharkhand
6. The Director, Department of AYUSH, Ranchi, Jharkhand
7. District Deshi Chikitsa Padhadhkari, East Champaran, Motihari.
8. District AYUSH Chikitsa Padhadhkari Jamtara, Jharkhand, Ranchi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr Nand Kishore Pd Sinha, Advocate
For State of Jharkhand	:	Mr Satyavrat Verma, Advocate
For S t a t e of Bihar	:	Mr S Raza Ahmad, AAG V Mr Vishwambhar Prasad, AC to AAG V

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 29-01-2019

Heard learned counsel for the petitioner and the respondents.

2 The brief background of the case is that though the petitioner was relieved on 06.07.2007 by the State of Bihar for joining the State of Jharkhand pursuant to the cadre allocation, petitioner joined in the State of Jharkhand on 06.05.2008. The period, in the meantime, was spent by the petitioner pursuing his claim for cadre allocation in the Bihar Cadre. His writ petition



(CWJC No 11546 of 2007) was finally rejected by this Court on 15.04.2008. It is only thereafter that he has joined in the State of Jharkhand on 06.05.2008. The salary from 07.05.2008 onwards was, therefore, to be paid and has been paid to the petitioner by the State of Jharkhand, subsequent upon his joining in Jharkhand.

3 Audit objection, therefore, was raised as the petitioner has taken salary from the State of Jharkhand for the period 06.07.2007 to 05.05.2008 that is the period during which he had neither worked in the State of Bihar nor joined in the State of Jharkhand. Accordingly, he has been directed to refund an amount of Rs 2,46,332/- towards the salary which was obtained by him for the said period prior to his joining in the State of Jharkhand.

4 Learned counsel for the petitioner submits that the petitioner is ready and willing to return the said amount but would be making his claim for regularization of the said period as per the leave available to his credit. It is submitted that the petitioner would make his application before respondent No 8 for such consideration.

5 In view of the said submission, no further order is required to be passed in the instant proceedings.

6 Liberty is granted to the petitioner to approach respondent No 8 for the relief as prayed by the petitioner, without



expressing any opinion on the merits of the petitioner’s claim,
which has to be considered in accordance with law.

7 With the liberty aforesaid, writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

