

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15417 of 2017

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Madan Mohan Sharma son of Late Awadh Bihari Sharma resident of C/o - Subodh Kumar, Maruti Niwas, Adarsh Colony, Transport Nagar, Police Station - Agamkuan, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna
2. The Director-in-Chief, Health Services, Government of Bihar, Patna.
3. The Superintendent, Patna Medical College and Hospital, Patna.
4. The Deputy Superintendent - I, Patna Medical College and Hospital, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Manish Kumar No-2, Advocate
For the Respondents : Mr. Binod Kumar Yadav - SC-18

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 14-05-2019

Heard the learned counsel for the parties.

2. The petitioner has approached this Court for a direction to the respondents to resume payment of his salary which has been stopped without any reason and also for providing his service book to him.

3. The salary of the petitioner has since been resumed.

4. It has been submitted on behalf of the petitioner that from Patna Medical College and Hospital, Patna, the petitioner has been transferred to Phulparas in the district of Madhubani without intimating the place where the petitioner is required to render his services or give his joining. No details of the hospital or the office has



been intimated to the petitioner. It is for this reason that the petitioner has not joined on his transferred place of posting, which in turn has led to non-payment of salary for several months.

5. The petitioner has challenged the order of transfer by way of C.W.J.C. No. 21222 of 2018 which is yet to be taken up for admission.

6. However in the present writ petition, one of the grievances of the petitioner *viz.* the stoppage of salary has been redressed and the salary has been resumed. With respect to the other prayer of the petitioner for furnishing his service book, the counter affidavit of the State indicates that the service book of the petitioner has been lost. But there is specific statement that the service book shall be reconstructed with the cooperation of the petitioner in providing necessary inputs.

7. Mr. Manish Kumar No. 2, learned advocate for the petitioner submits that this is only a dilatory tactics of the respondent in as much as all the necessary inputs have been provided in the present writ petition for the concerned respondent to reconstruct the service book and hand it over to him.

8. The petitioner is directed to adopt a line of least resistance and approach the Superintendent of Patna Medical College and Hospital (respondent no. 3) within a



period of four weeks along with the necessary details. On receipt of the aforesaid inputs/information sought by respondent no. 3, the service book of the petitioner shall be reconstructed within a further period of eight weeks and shall be handed over to him.

9. Needless to state that whatever benefits the petitioner is entitled to, shall be paid to him after reconstruction of the service book.

10. With the aforesaid direction/observation, the writ petition stands disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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