

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2099 of 2017

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Harishankar Tiwari, Son of late Bujhawan Tiwari, Resident of Village-
Belisarai, Police Station- Motihari Town, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director-in-Chief, Health Services, Bihar, Patna.
3. The Civil Surgeon-Cum-Chief Medical Officer East Champaran, Motihari.
4. The Superintendent, Sadar Hospital, Motihari.
5. The Deputy Superintendent, Sadar Hospital Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No-2
For the Respondent/s : Mr.Nagendra Pd. Yadav- Sc23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 24-04-2019 Heard learned Counsel for the parties concerned.

The present writ application has been filed by the petitioner claiming 20 per cent extra salary towards the additional charge of O. T. Assistant held by him in Sadar Hospital, Motihari, for the period 01.01.2000 to 30.09.2012. The petitioner has superannuated from service with effect from 30.09.2012.

It has been submitted by learned Counsel for the petitioner that he was pursuing his claim from the very beginning and had filed a representation, in this regard, on 22.09.2016, but the claim of the petitioner has not yet been decided by the respondent authorities.



A counter affidavit has been filed on behalf of the State, stating therein that the claim of the petitioner with regard to 20 per cent additional salary for holding the higher post of O. T. Assistant is pending before the Director-in-Chief, Health Services, Government of Bihar, Patna, who, by his letter, bearing no. 637 (4), dated 13.06.2017 (Annexure-F to the counter affidavit), has sought some clarification on certain points.

From the records, it appears that the clarification sought by the Director-in-Chief, Health Services, Government of Bihar, Patna, has been met by the Superintendent, Sadar Hospital, Motihari, vide his letter, dated 21.06.2017 (Annexure-G to the counter affidavit).

After having heard learned Counsel for the parties and going through the materials available on record, I am of the considered opinion that interest of justice will be served by directing the Director-in-Chief, Health Services, Government of Bihar, Patna, to take a final decision upon the claim of the petitioner within a period of two months from the date of receipt/production of a copy of this order.

While deciding the claim of the petitioner, the Director-in-Chief, Health Services, Government of Bihar, Patna,



will be obliged to pass speaking order based on valid and cogent reasons and if the claim of the petitioner is found admissible, the benefits arising thereof shall be paid to the petitioner within a period of four weeks thereafter.

This application is disposed of with the aforesaid observation and direction.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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