

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.519 of 2019

Byasnandan Jha S/o- Late Vijay Kant Jha, Resident of Village- SugiyaKatsari,
P.S. Town, District- Sheohar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Regional Addl. Director, Health Services, Magadh Div., Gaya.
3. Civil Surgeon-cum- Chief Medical Officer, Sheohar.
4. In-charge Medical Officer, Addl. Primary Health Center, Adauri, Sheohar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Baidya Nath Thakur
For the Respondent/s	:	Mr.Nagendra Pd. Yadav- SC 23 Ms. Vijaya Laxmi Srivastava, AC to SC 23

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 19-09-2019 Heard counsel for the petitioner and counsel for the respondents-State.

Petitioner's salary has been withheld on account of non-finding of files and records since the year 1997.

Mr. Thakur appearing for the petitioner submits that records are not with him and they are lying in old office building at Sheohar.

Counsel for the respondents in response to the same has placed on record the communication issued by the petitioner himself (Annexure B) wherein he has stated that he is in-charge of the documents and records of the office since the year 1997.

Issue is therefore, required to be looked into as to who



is responsible for the records which was under the charge of petitioner at the time of transfer in the year 2015.

Matter may be enquired by respondent no.2. Petitioner will submit his detailed representation in respect of the matter. After appearance of the petitioner, respondent no.2 shall take a final decision on petitioner's claim for salary. If it is found that the petitioner has wrongly been withheld the records even after his transfer authority would be at liberty to proceed in accordance with law. Otherwise authority should proceed to take a decision in respect of salary claimed by the petitioner.

Counsel for the petitioner submits that he would appear before respondent no.2(Regional Addl. Director, Health Services, Magadh Division, Gaya) within one week. If that be so, respondent no.2 shall conclude the matter within three months thereafter.

Writ petition is disposed of.

(Madhuresh Prasad, J)

s.hassan/-

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