

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6090 of 2020**

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Dr. Naresh Prasad, S/o Late Birendra Prasad, Resident of Mohalla- Nandlal Mishra Lane, Surkhilal, P.O.-Bhagalpur, P.S.-Barari, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Deputy Secretary, Department of Health, Government of Bihar, Patna.
4. The Civil Surgeon-cum-Chief Medical Officer, Banka.
5. The Incharge Medical Officer, Referral Hospital, Katoria, District-Banka.
6. The District Provident Fund Officer, Bhagalpur.
7. The Accountant General, Bihar.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Bibhakar Tiwary  
For the Respondent/s : Mr. S. D. Yadav ( Aag9 )

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2      26-06-2020                      Heard learned counsel for the petitioner, State and the Accountant General.

The petitioner has filed the present writ petition for the following reliefs:

(i) To issue an appropriate writ preferably in the nature of mandamus commanding upon the respondent authorities to pay to the petitioner the arrears of salary pursuant to grant of Dynamic A.C.P. to the petitioner with effect from 26.10.2009.

(ii) To issue an appropriate writ preferably in the



nature of mandamus commanding upon the respondent authorities to pay the arrears of salary to the petitioner for the month of February, 2019, September, 2019, October, 2019, and November, 2019.

(iii) To issue an appropriate writ preferably in the nature of mandamus commanding upon the respondent authorities to pay retiral benefits to the petitioner after his retirement from service from the post of Medical Officer, Referral Hospital, Katoria, Banka on 31.11.2019.

Counsel for the petitioner submits that the petitioner was granted the benefit of 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Dynamic ACP vide order dated 12.09.2018 and the authority slip has been issued on 15.04.2019. He further submits that on 28.08.2019, the petitioner was granted 4<sup>th</sup> Dynamic ACP w.e.f. 26.10.2019, but the benefit of aforesaid dynamic ACP has not been paid to the petitioner. He further submits that on account of non-allotment of fund, the petitioner suffered for non-payment of salary. He further submits that the petitioner on attaining the age of superannuation, retired on 30.11.2019 and the petitioner handed over the charge to Dr. S.D. Mandal on the same day, but the post retiral dues has not been paid to the petitioner.

Considering the aforesaid, the writ petition is disposed



of with a direction to the respondents to ensure entire pre and post-retiral dues in terms of their own decision, which is mentioned hereinabove, with regard to dynamic ACP and also with regard to grant of post-retiral dues, within a maximum period of four months from the date of receipt/production of a copy of this order, failing which, the petitioner shall be entitled to payment of interest at the rate of 9% per annum from the date of filing of writ petition till the date of actual payment.

**(Anil Kumar Upadhyay, J)**

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