

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5048 of 2019

Dr. Shashi Kumar Gupta, aged about 69 years, Male, S/o Late Narayan Pd. Gupta, R/o Mohalla- Ram Das Gupta Path, Laheritola, P.S.- Tatarpur, Town and District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Medical Education and Family Welfare, Govt. of Bihar, Patna.
2. The Joint Secretary, Department of Health, Medical Education and Family Welfare, Govt. of Bihar, Patna.
3. The Deputy Secretary, Department of Health, Medical Education and Family Welfare, Govt. of Bihar, Patna.
4. The Director-in-Chief, Department of Health, Govt. of Bihar, Patna.
5. The Accountant General, Bihar, Veer Chand Patel Path, Patna.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Purushottam Kumar Jha, Advocate
For the State	:	Mr. Birju Prasad, G.P.13
For Res. No.5	:	Mr. Satyendra Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 25-08-2020 Heard Mr. Purushottam Kumar Jha, learned counsel for the petitioner, Mr. Birju Prasad, learned G.P.13 and Mr. Satyendra Kumar Jha, learned counsel appearing on behalf of respondent no.5.

The petitioner in this writ petition seeks direction to the respondents to calculate the entire retiral benefits of the petitioner such as pension, gratuity, earned leave encashment salary, group insurance and G.P.F. after regularizing the services of the petitioner w.e.f. 16.03.1992 till 31.01.2015 on which the petitioner retired from service after granting due Dynamic



A.C.P. to the petitioner.

It is admitted fact that the petitioner was appointed vide Notification No.568(2), dated 31.03.1978 and the petitioner joined as Medical Officer in Deori Block situated in the district of Giridih. The petitioner joined in Deori Block on 20.04.1978. Vide Notification No.70(2), dated 13.01.1979, the petitioner was appointed as regular Assistant Civil Surgeon until further orders. The petitioner was transferred from the post of Resident Medical Officer, Department of Pediatrics to Jawaharlal Nehru Medical College & Hospital, Bhagalpur. The petitioner joined on 01.05.1988 but thereafter the petitioner was transferred and asked to join in the office of Director-in-Chief, Health Services. The petitioner claimed to join on 16.03.1992 in the office of Director-in-Chief, Health Services, but the respondents in their counter affidavits disputed the facts and contended that the petitioner never joined on 16.03.1992. The petitioner filed his representation about his joining and the same was disposed of by order dated 17.05.2010 (Annexure-10). The joining and working of the petitioner in the office of Director-in-chief, Health Services is disputed and, therefore, the Health Department has got difficulty in calculating the pensionary benefits of the petitioner in accordance with law.



Taking into consideration the facts, I dispose of the writ petition with the consent of all the parties that the petitioner shall file a detailed representation within six weeks before the Principal Secretary, Department of Health and Family Welfare, Government of Bihar and after having received such representation filed by the petitioner, the Principal Secretary, Health and Family Welfare Department, Government of Bihar shall dispose of the representation of the petitioner by a reasoned order within three months from the date of filing of such representation and pay the admitted dues and pensionary benefits to the petitioner within two months thereafter.

If the petitioner is aggrieved by the order of the Principal Secretary, Health and Family Welfare Department, the petitioner shall be at liberty to move this court again for redressal of his grievance.

With the aforesaid observation, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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