

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6223 of 2020

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Urmila Devi, W/o Late Jai Prakash Singh, R/o Village- Gopalpur, P.O.-Kantar
Hariharpur, Jalalpu, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
2. The Director in Chief, Health Services, Bihar, Patna.
3. The Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
4. The Regional Deputy Director, Health Services, Saran Division, Chapra, District-Saran.
5. The Accountant General (A and E), Mahalekhakar Bhawan, Birchand Patel Path, Patna, District-Patna.
6. The Civil Surgeon-cum-Chief Medical Officer, Chapra, District-Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bishwajeet Singh
For the Respondent/s : Mr.AC to AG

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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.

Husband of the petitioner was working on the post of clerk and vide order dated 22.10.2017 he was reverted to the post of Basic Health Worker by the respondents. The said order was challenged by the husband of the petitioner and others in C.W.J.C. No. 104 of 2008. The writ petition was allowed vide order dated 25.08.2010 and the order of reverting the husband of the petitioner and others was quashed and the respondents were



directed to reinstate the husband of the petitioner with all consequential benefits. Unfortunately, after the order of Annexure-3, the respondents did not carry out the direction issued by this Court in C.W.J.C. No. 104 of 2008, notwithstanding the fact that LPA against Annexure-3 was dismissed, but the consequential benefits of reinstatement was not granted.

Considering the facts and circumstances that C.W.J.C. No. 5298 of 2011 filed by one Chandrakhet Narain Singh, a Bench of this Court has occasion to examine the similar issue and the burden of interest attributed on the lapse of the respondents in the matter of implementation of the order as contained in Annexure-5. The writ petition was disposed of on 18.09.2012. The relevant part of the order is quoted hereinbelow:

“Counsel for the State submits that the earlier orders of the Court were not concerned with arrears of salary but on the issue of reversion. The Court is completely at a loss to appreciate the stand of the respondents. If the reversion was set aside and lesser salary had been paid for the period in question, the claim for difference of salary is an automatic consequence.

It has already been noticed that the respondents have failed to assist the Court in timely



dispensation of justice. The petitioner has made a claim for interest also.

The Principal Secretary, Department of Health, is directed to examine that if the order of reversion has been set aside restoring his status as Clerk, the appeal against the same has been dismissed, there has to be valid justification in law for denial of arrears of difference of salary as payable to a Clerk.

The Court is further satisfied to order in the facts of the case that the Principal Secretary shall also hold an enquiry with regard to the reasons for non compliance, fix responsibility, hear the concerned and pay interest at the bank rate to the petitioner from the salary of the concerned. In no event shall the State bear the burden of interest attributable to the lapses of its officials who failed to perform their duties in time.

The order to be complied with preferably within a maximum period of two months from the date of receipt and/or presentation of a copy of this order.

The writ application stands disposed.”

In view of the aforesaid, the Court is constrained to allow the writ petition and the respondents are directed to ensure payment of entire benefits to the petitioner on the line of the decision as contained in Annexure-5 and also ensure payment of to entire salary, grant of ACP and thereafter determine the pension and fix the post-retiral dues within a maximum period



of four months from the date of receipt/production of a copy of
this order.

(Anil Kumar Upadhyay, J)

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