

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7696 of 2020

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Arvind Kumar Mairh son of Kedar Prasad Mairh resident of Naya Bhojpur,
Sonar Toli, Bhojpur Jadid, P.S.- Naya Bhojpur (O.P.), District- Buxar.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Govt. of Bihar, Patna.
2. The Joint Secretary, Health Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Joint Secretary, Finance Department, Govt. of Bihar, Patna.
5. The District Magistrate, Bhojpur, Ara.
6. The Civil Surgeon-cum- Chief Medical Officer, Bhojpur, Ara.
7. The Incharge Medical Officer, Referral Hospital, Jagdishpur, Bhojpur, Ara.
8. The Treasury Officer Bhojpur, Ara.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Alok Kumar
For the Respondent/s : Mr. Sushil Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

8 04-01-2021 Heard Mr. Alok Kumar, learned counsel for the

petitioner and Mr. Sushil Kumar Singh, learned counsel for

the State.

The present writ petition has been filed for

direction to the respondents to make payment of salary of

the petitioner, which, at the time of filing of the writ petition

was due since September 2019 to till that date.



Learned counsel for the petitioner has informed this Court that the salary was not paid to the petitioner only on account of delay in migration of CFMS account of the petitioner.

A counter affidavit now has been filed, in which in paragraph -8, it has been categorically stated that the salary has been paid up to date to the petitioner.

Learned counsel for the petitioner has however submitted that after making payment of salary pursuant to this Court asking the respondents to file counter affidavit, now again the salary is not being paid on precisely the same ground on which it was not being paid earlier.

This position cannot be countenanced on any score whatsoever.

Whatever decision has to be taken by the authorities, that must be taken with urgent dispatch, taking into account that the petitioner is a Corona warrior and has, for all this while been serving in the hospital where he has been transferred and posted.

For some period, the petitioner has not been paid



his salary because he has not worked.

In this connection, it has been submitted on behalf of the petitioner that when he was transferred from one place to another, he had approached this Court against the order of transfer, when he was asked to represent before the authorities.

The representation of the petitioner ultimately was rejected. The petitioner actually did not work during the interregnum period but has, after joining at the new place of posting, been pretty regular in discharging his functions.

However, for the period that he has not worked, he has not been paid.

In this regard no further direction can be issued to the respondents but petitioner would be perfectly within his rights to make a representation before the concerned authority, explaining the reason why he did not work for some period as he was anticipating such relief from the Court. On such representation preferred by the petitioner, the concerned respondent shall take a decision and communicate that decision to the petitioner forthwith.



With the aforesaid direction and observation, the writ petition stands disposed of.

(Ashutosh Kumar, J)

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