

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 8263 of 2022

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Bhim Prasad Son of Late Laxmi Narayan Singh Resident of Vilalge Joga
Bigha. P.S. Parwalpur, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Health, Government of Bihar, Patna.
2. The Director, Health Services, Government of Bihar, Patna.
3. The Additional Director-Cum Enquiring Officer, Health Services, Government of Bihar, Patna.
4. The Civil Surgeon, Aurangabad.
5. The Chief Medical Officer, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Akhilesh Dutta Verma, Advocate
For the Respondent/s : Mr Pankaj Kumar, SC XII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 18-11-2022 Heard learned counsel for the petitioner and the respondents through Virtual Mode.

The petitioner was dismissed on 27.08.2014 by the order of the Director-in-Chief, Health Services, Bihar. Learned counsel for the petitioner submits that the dismissal is pending consideration in appeal. It is further submitted that irrespective of the fate of the challenge to his dismissal, the petitioner is entitled to salary for the period 01.08.2014 to 26.08.2014, along with dearness allowance. He has further submitted that the petitioner is also entitled to be paid the amount of General Provident Fund and his contributions made under the Group



Insurance Scheme. For the said benefits, he has filed representations, copies of which have been annexed as Annexure 5 series to the writ petition. It is his claim that the Authority has not taken any decision on the petitioner's claim.

There is a counter affidavit on record wherein communications dated 22.07.2022 and 29.07.2022 have been annexed (Annexures B and C). It appears from the same that the Incharge Medical Officer of the Primary Health Center, Nabi Nagar, Aurangabad requested the Civil Surgeon -cum- Chief Medical Officer (for brevity, **CS -cum- CMO**), Aurangabad and that the CS -cum- CMO has also sought guidelines from the Director-in-Chief for taking appropriate action on petitioner's claim.

When the matter is taken up today, the petitioner's counsel submits that a direction may be given for disposal of the petitioner's claim, as contained in the representations (Annexure 5 series).

Learned State Counsel submits that on receipt of guidelines from the Director-in-Chief, the petitioner's claim can be considered and appropriate orders will be passed thereupon.

Considering the rival submissions and since decision is yet to be taken by the authorities, the writ petition need not be



kept pending. Respondent No 2 is required to take appropriate action on the petitioner's claim, as contained in Annexure 5 series, and pass appropriate orders thereupon within eight weeks from the date of receipt/production of a copy of this order.

If the petitioner is found entitled to any payment as a result of such consideration, the same should be paid along with a statement showing details of calculation of amount being paid within four weeks thereafter.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

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