

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.838 of 2021

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Md Hasibur Rahman, son of Late Matiur Rahman, at present- Resident of Milat Nagar Belwa, P.S. Araria, District Araria, permanent address village Ajhua, P.S. Joki Hat, District Araria.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner cum- Secretary, Department of Health and Family Welfare, New Secretariat, Bailey Road, Patna.
3. The Director in Chief, Health Services, Bailey Road Patna.
4. The District Magistrate, Araria.
5. Civil Surgeon cum- Chief- Medical Officer, Araria, District Araria.
6. In charge Medical Officer, Referral Hospital, Joki Hat, District Araria.
7. In charge Medical Officer, Birnagar, District Araria, namely, Dr. Ali Haidar Nayyar.
8. Dr. Sukhi Raut, I.C. M.O Bhargama, Dist Araria.
9. The Accountant General of Bihar, Birchand Patel Path, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nadimul Hasan, Advocate
For the Respondent/s : Mr. Asif Kalim, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 02-11-2022

Heard Mr. Nadimul Hasan, learned counsel appearing on behalf of the petitioner and Mr. Asif Kalim, learned AC to AAG-12.

2. In compliance of the order, dated 28.09.2022, a supplementary counter affidavit has been filed on behalf of respondent no.6 stating therein that an amount of Rs.2,28,466/- has already been paid to the petitioner under the head of Group Insurance, vide Memo No. 233, dated 20.08.2020. Further



Rs.5,98,690/- has been paid under the head of Provident Fund, vide Memo No. 183 dated 10.07.2020. It is further contended that necessary sanction order with regard to provisional gratuity amounting to the tune of Rs.12,00,000/- has been issued under the signature of Incharge Medical Officer, Referral Hospital, Jokihat vide Memo no. 879 dated 11.10.2022. He further submits that even necessary sanction order regarding earned leave amounting to Rs.7,98,600/- has been issued vide Memo No. 878 dated 11.10.2022 (Annexure-E to the supplementary counter affidavit). He next submits that pension paper and original service book of the petitioner have been sent to the office of Accountant General, Bihar, Patna for final fixation of pension and gratuity.

3. In view of the averments made in the supplementary counter affidavit, filed on behalf of respondent no.6, prima facie, it appears that all the retiral dues of the petitioner have stood paid.

4. At this juncture, learned counsel for the petitioner submits that though all the retiral benefits have been paid, however, arrears of salary w.e.f. from 01.08.2010 to 08.08.2011 has not been paid only on account of pendency of Case No. 135 (C) of 2012, pending in the Court of Araria. He also submits that no calculation chart has been furnished to the petitioner, so as to



verify whether all the rightful payments have been made to the petitioner or not?

5. In view of the submissions and the materials available on record, this writ application is disposed of with liberty to the petitioner that if he finds any discrepancy or other grievance, still remain subsisting, would file a detailed representation before respondent no.5 and, in case, any representation is filed by the petitioner within a period of four weeks from today before respondent no.5, the same would be considered by the respondent no.5 and a reasoned and speaking order will be passed within a further period of eight weeks.

6. With the aforesaid observations, the writ application is disposed of.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.11.2022
Transmission Date	NA

