

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10745 of 2020

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Devendra Sharma Son of Ramashray Singh Resident of Village- Dahiya, P.S.- Paliganj, District- Patna, At present resident of Mohalla- Phulwari, P.O.- New Godam, Gaya, P.S.- Kotwali, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Director-in-Chief, Health Services, Government of Bihar, Patna.
4. The Regional Additional Director/Deputy Director, Health Service, Magadh Division, Gaya.
5. The Civil Surgeon cum Chief Medical Officer, Nawada.
6. The In-charge Medical Officer, Primary Health Centre, Pakribarawan, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shree Kant Pandey
For the Respondent/s : Mr. Pankaj Kumar, SC 12

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 12-01-2022

The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:

“That this is an application for issuance of a Writ in the nature of mandamus, directing and commanding the respondent No. 5 to pay the due-arrear of salary to the petitioner from 1/7/2003 to 17/12/2012 and 14/12/2016 to 30/10/2017 and increment from 1/3/2013 to 25/11/2019 for this representation pending before Respondent No. 5 but till today no order was passed and/ or pass appropriate order or orders may deem fit and proper.”



3. Short question for consideration in the present petition is whether petitioner is entitled to arrears of salary for the period mentioned in the representation or not?

4. The concerned respondent is hereby directed to redress the grievance of the petitioner as to why the petitioner is not entitled to arrears of salary for the period mentioned in the representation. On this issue the concerned respondent is hereby directed to pass a speaking order and communicate the same to the petitioner. If the petitioner is entitled to arrears of salary in that event he is entitled to interest @ 8 % per annum in the light of Apex Court decision in the case of *Vijay L. Mehrotra Vs. State of Uttar Pradesh and Others* reported in **2001 9 SCC 687**.

5. With the above observation, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	19.01.2022
Transmission Date	

