

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1378 of 2021

=====

Satya Narayan Sahu, aged about 56 years (Male) Son of Late Lakhan Sahu, permanent resident of Village and P.S. and P.O.-Garhpura, District- Begusarai, presently posted as Medical Officer, Primary Health Centre, Nauhatta, District-Saharsa.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Additional Secretary, Health Department, Government of Bihar, Patna.
3. The Director-in-Chief (Administration), Health Department, Government of Bihar, Patna.
4. The Joint Secretary, Health Department, Government of Bihar, Patna.
5. The Under Secretary, Health Department, Government of Bihar, Patna.
6. The Civil Surgeon-cum-Chief Medical Officer, District -Saharsa.

... .. Respondents

=====

Appearance :

For the Petitioner : Mr. Akshansh Ankit, Adv.
For the Respondents : Mr. Ajay Behari Sinha GA-8 with
Mr. Suryakant Kumar AC to GA-8

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 20-06-2022

Heard learned counsel for the petitioner and the State.

2. The following reliefs have been prayed for in the
instant writ petition:-

“(a) To quash Memo No. 1/L-23/19-1898 dated 08-11-2019 issued by the Respondent No.4 to the extent service period of the petitioner from 24.12.2011 till 19.06.2012 was regularized as Extraordinary Leave instead of ‘Awaiting for posting’ resulting in financial loss to the petitioner in view of the fact that consequently benefits of annual increment, A.C.P, dynamic A.C.P. etc. were not granted to the petitioner in a most arbitrary and mechanical manner.

b) For a direction upon the Respondents to treat the service period of the petitioner from



24.12.2011 till 19.06.2012 as 'Awaiting for Posting' and grant and pay all consequential benefits including arrears of salary, annual increment, A.C.P., dynamic A.C.P. etc.

c) To pass any other order/orders in shape of a consequential relief to which the petitioner may be found to be legally entitled to in the facts and circumstances of the instant case at hand."

3. After filing of the counter affidavit, the petitioner's counsel submits that all grievances raised in the instant writ proceeding other than the claim in respect of salary for the period 24.12.2011 to 19.06.2012 has been redressed.

4. For the said period, it is the petitioner's case that he was very much present in the Department, whereas the State Authorities, in the counter affidavit, have taken a specific stand that for the period in-question, there is no evidence of any attendance of the petitioner. The aforesaid period during which he was 'Awaiting for Posting', was, thus, regularized as Extraordinary Leave. The specific averment made in the counter affidavit, in this regard, have not been disputed or denied by the petitioner by filing any rejoinder.

5. In view of the specific and undisputed stand taken by the respondent, and regularization of the period in-question as Extraordinary Leave, this Court would observe that there is no reason to interfere with the order of the State Government in the Health Department dated 08.11.2019 whereby the period in-



question has been treated as Extraordinary Leave.

6. The application stands disposed of in the aforesaid terms.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	28-06-2022
Transmission Date	

