

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.881 of 2021

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Kishandeo Jha @ Krishnadev Jha Son of Late Gangadhar Jha Resident of Village- Faridpur, Police Station- Jamalpur, District- Munger, at present Referral Hospital, Police Station- Barbigha, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. The Director, Health Service, Government of Bihar, Patna.
3. The Regional Deputy Director, Munger Division, Munger.
4. The District Magistrate-cum-Collector, Sheikhpura.
5. The District Nazarat Officer, Sheikhpura Nazarat, Sheikhpura.
6. The Nazarat Deputy Collector, Nazarat Branch, Sheikhpura.
7. The Civil Surgeon-cum-Chief Medical Officer, Sheikhpura.
8. The Incharge Medical Officer, Referral Hospital, Barbigha.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate
For the Respondent/s : Mr. Birju Prasad, GP-13

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 17-01-2022

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

2. State counsel accept notice for respondents.

3. In the instant petition, petitioner has prayed for following reliefs:

“(i) For issuance of writ/writs in the nature of mandamus commanding the Respondents to immediately grant salary of the petitioner for the period of 25.03.2020 to 31.05.2020 which has not paid to the petitioner till to-day without any rhyme and reason.



(ii) For commanding the Respondents as to why despite the specific order assed by the Government of Bihar, Patna the salary for the period of Loc down has not paid to the petitioner till to-day.

(iii) For commanding the Respondents to immediately pay the salary of the petitioner for period of lock down with interest @ 14% per annum since the official concerned despite the specific order did not grant salary to the petitioner.

(iv) For any other writ/writs, order/orders, direction/directions as this Hon'ble Court may deem fit and proper as the facts and circumstances of this case.”

4. Short question for consideration in the present petition is whether petitioner is entitled to payment of salary during the period from 25.03.2020 to 31.05.2020 or not? In this regard, petitioner has submitted representations on 12.05.2020, 01.06.2020 and 18.06.2020 (Annexure-3 to 6). The concerned respondent has not acted on the petitioner's representations in redressing his grievance.

5. The concerned respondent is hereby directed to pass speaking order on the petitioner's representations. If the petitioner is entitled to arrears of salary for the aforesaid period, the same shall be extended along with interest @ 8% per annum in the light of Apex Court's decision in the case of *Vijay L. Mehrotra Vs. State of U.P. & Ors.* reported in *(2001) 9 Supreme Court Cases 687* (Para 2 to 4). The aforesaid exercise shall be completed within a period of two months from the date of receipt of this



order.

6. With the aforesaid observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

