

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1801 of 2021

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Ram Kumar Son of Laxmi Mehta, resident of Tengraha, Ward No. 02, P.O.-
Phulwari, P.S. - Kishanpur, District - Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department,
Government of Bihar, Patna.
2. The Director in Chief, Health Service, Government of Bihar, Patna.
3. The Civil Surgeon cum Chief Medical Officer, Araria, District - Araria.
4. The Additional Chief Medical Officer, Araria, District - Araria.
5. The Deputy Superintendent, Sub-Divisional Medical Hospital, Forbisganj,
District - Araria.
6. The In-charge Medical Officer, Referral Hospital, Raniganj, District - Araria.
7. The In-charge Medical Officer, Referral Hospital, Bhargama, District -
Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Navin Sharma
For the Respondent/s : Mr.

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

Date : 21-02-2022

State counsel accept notice for respondents.

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

- i. For issuance of writ, in nature
of certiorari, to quash the order contain in
Memo No. 657 dated 03/08/2019 (Annexure-3)
issued under the signature of Additional Chief
Medical Officer, Araria, whereby the petitioner
has been directed to discharge his duty as an
Ophthalmic Assistant at Outpatient Department
in three blocks' government hospital viz 2-day
in a week at each Outpatient Department of
Forbisganj Sub-divisional Hospital, Raniganj



Referral Hospital and Bhargama Referral Hospital and further prayer is to hold that, the duty of the petitioner be taken in only one hospital, and, in terms of order contained in Memo No.-281(ii) dated 30/08/2000 of the Directorate, Health Service, Bihar, it be also held that the petitioner could not be transferred or deputed by any authority other than the Director in Chief, Health Service, Bihar.

ii. For issuance of mandamus directing the respondents to make additional pay and compensatory allowances including travelling allowance to the petitioner for holding additional charges of two more blocks which are about 25 KM away from his original place of posting i.e. from Raniganj Referral Hospital.

iii. For issuance of writ, in nature of mandamus, directing the respondents to make the payment of incentive equivalent to one month of salary, which the state government took decision to pay the Doctors and Health employees for discharging their duty during the period of Covid-19 pandemic.”

Short question for consideration in the present petition is whether petitioner is entitled for travelling allowance and compensatory allowance or not? In this regard, there is an internal correspondence between the petitioner and the officials.

Perusal of Annexure-B to the counter affidavit dated 20.02.2021, it is evident that Civil Surgeon-cum-Chief Medical Officer, Araria-Respondent No. 3 has recommended or forwarded the grievance of the petitioner to the next higher officers, like Respondent Nos. 1 and 2. Therefore, Respondent Nos. 1 and 2 are hereby directed to take necessary steps as to



whether petitioner is entitled to travelling allowance and compensatory allowance or not. If petitioner is entitled, the same shall be released in his favour. If he is not entitled, necessary speaking order shall be passed as to why petitioner is not entitled for travelling allowance and compensatory allowance with reference to relevant provision of law read with factual aspects of the matter. The above exercise shall be completed within a period of two months from the date of receipt of this order.

With the above observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	02.03.2022
Transmission Date	

