

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19659 of 2021

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Ayush Doctors Organization, Bihar, Patna through its Secretary, Dr. Kamal Kishore Singh, aged about 41 years, male, Son of Late Narendra Kumar, Resident of East of T.P.S. College, Chirayatar, Patna, P.S. - Kankarbagh, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Development Commissioner, Govt. of Bihar, Patna.
4. The Principal Secretary, Health Department, Govt. of Bihar, Patna.
5. The Principal Secretary General Administration Department, Govt. of Bihar, Patna.
6. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
7. The Executive Director, State Health Society, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prashant Sinha
For the Respondent/s : Mr. K.K. Sinha

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

Date : 27-01-2022

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 following reliefs:-

“(i) For necessary direction upon the respondent authorities to grant the pay of Rs. 65000/- per month w.e.f. 13-02-2019 to the contractual Ayush doctors working in Bihar in terms of the decision of the State Cabinet dated 04-12-2018 wherein it was



decided that the Ayush doctors will be paid with the same pay which is paid to the contractual allopathic doctors, whereas the pay of the contractual allopathic doctors was enhanced to Rs. 65000/- per month w.e.f. 13-02-2019 but the Ayush doctors are still getting Rs. 44000/- per months.

(ii) For holding that when the respondents have enhanced the pay of the contractual allopathic doctors from Rs. 44000/- to Rs. 65000/- w.e.f. 13-02-2019, it is highly arbitrary and illegal on the part of the respondents to not to enhance the pay of the contractual Ayush doctors.

(iii) For necessary direction upon the respondent authorities to pay the differential amount of salary to the contractual Ayush doctors on account of grant of pay of Rs. 65000/- per months w.e.f. 13-02-2019.

(iv) For necessary direction for payment of arrears of enhanced honorarium from Rs. 15,000/- to Rs. 28,000/- w.e.f. 01-04-2013 as in the year 2012 vide memo no. 993 (De. Chi.) dated 30-11-2012, the honorarium of the Ayush doctors was enhanced from Rs. 15,000/- to Rs. 28,000/- but this enhanced honorarium was paid to them only for four months upto 31-03-2013 and thereupon it was again reduced to Rs. 20,000/- per month without any formal order. Therefore, the Ayush doctors are entitled for arrears of salary @ Rs. 28,000/- per month.

(v) For necessary direction for payment of arrears of enhanced honorarium from Rs. 28,000/- to Rs. 30,000/- w.e.f. 14-03-2016 as vide memo no. 353 (De. Chi.) dated 14-03-2016, the honorarium of the contractual Ayush doctors was enhanced from Rs. 28000/- to Rs. 30,000/- but this enhanced honorarium was never paid to the Ayush doctors.



(vi) For initiation of contempt of court proceeding against the respondents as they have violated the order dated 22-07-2021 passed by the Division Bench of this Hon'ble Court in I.A. No. 11/2021 filed in CWJC No. 353/2021 wherein the Hon'ble Division Bench had directed the authorities to dispose of the representation made by the petitioner for the same relief within a period of three months. The petitioner had preferred a representation before them on 29-07-2021 but even after lapse of more than three months, no decision has been taken by the respondents upon the representation made by the petitioner. Since the Hon'ble Division have granted liberty to the petitioner to file independent petition for the same cause of action. Hence, this writ application is being filed.

(vii) For any other direction, which your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. The petitioner submitted representation in respect of certain monetary benefits which is due to him by virtue of various orders of the State Government and judicial pronouncement. Such representations are produced as Annexure 10 and 13 dated 25.06.2021 and 29.07.2021 respectively.

4. Therefore, the concerned respondent is hereby directed to pass speaking order and communicate the same to the petitioner as to whether he is entitled to the relief sought in the present petition read with the representation within a period of three months.

5. At this stage, learned counsel for the petitioner submitted that earlier this Court has given direction and the same has not been considered by the concerned respondent. If it



is so, petitioner has remedy of filing contempt petition.

6. Therefore, the present petition stands dismissed
reserving liberty to the petitioner to file contempt petition.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

