

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16264 of 2017

Dr. Mithileshwar Prasad Singh, Son of Late Sudist Narayan Singh, resident of B/5, Friends House Apartment, Montessary Lane, Boring Road, P.S. Sri Krishnapuri, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Director-in-Chief, Health Services, Bihar, Patna.
4. The Additional Secretary, Health Department, Government of Bihar, Patna.
5. The Special Executive Officer, Health Department, Government of Bihar, Patna.
6. The Civil Surgeon-cum-Chief Medical Officer, Madhepura, District-Madhepura.
7. The Civil Surgeon-cum-Chief Medical Officer, Madhepura, District-Madhepura.
8. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	: Mr.Ajit Kumar Singh, Advocate.
For the State	: Mr. Anirudh Kumar Singh, AC to GP-25.
For the Accountant General	: Mr. Arun Kumar Arun, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

8 06-04-2023 Heard Mr. Ajit Kumar Singh, learned counsel appearing on behalf of the petitioner; Mr. Anirudh Kumar Singh, learned AC to GP-25 for the State and Mr. Arun Kumar Arun, learned counsel for the Accountant General.

2. Learned counsel appearing on behalf of the petitioner informs this Court that all the retiral dues of the petitioner has been paid, however, for the period from 08.08.2006 to 23.05.2008 has not been paid till date. The main



grievance of the petitioner is that he had tendered his application for voluntary retirement on 08.08.2006, however, his application was accepted on 23.05.2008. The claim of the petitioner is that the provision of scheme of voluntary retirement provides that till the final order accepting the application of the petitioner is passed, petitioner is entitled for payment of allowances and salary for the period from 08.08.2006 till 23.05.2008 in accordance with the scheme.

3. Learned counsel further informs that the petitioner was suspended on 09.11.2004 and vide Memo No. 861 dated 01.08.2006 contained in Annexure-1, suspension of the petitioner was revoked and the period during which the petitioner remained suspended was treated as “On duty”.

4. Be that as it may, this Court finds that the disputed question of fact cannot be decided in exercise of power conferred under Article 226 of the Constitution. The petitioner, if so desires, may file his detailed representation to claim his difference of salary for the period from 08.08.2006 till 23.05.2008 and fixation of pension in terms of Finance Department Notification No. 6190 dated 23.05.2010. The concerned authority is directed to dispose of the representation of the petitioner within a period of three weeks from the date of



filing of the representation.

5. If the authority decides the case of the petitioner in his favour, claim of the interest on differential amount on different heads of retiral dues are also liable to be paid by the concerned authority within the aforesaid period.

6. Accordingly, the writ application stands disposed of.

(Purnendu Singh, J)

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