

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3858 of 2023

=====

Makesh Sharma S/o Late Yadunandan Sharma R/o Village-Pitwans, P.S.-
Naubatpur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health,
Govt. of Bihar, Patna.
2. The Director in Chief (Disease Control, Public Health Para Medical) Health
Services, Bihar, Patna.
3. The Regional Additional Director, Health Services, Patna. Division, Patna.
4. The District Treasury Officer, Patna.
5. District Provident Fund Officer, Patna.
6. The Principal Accountant General (A and E) Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shiv Kumar, Advocate.
For the State : Mr. Mujtabaul Haque, GP-12.
Mr. Pranoy Kumar, AC to GP-12.
For the Accountant General: Mr. Vivekanand Kumar, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 22-08-2023

Heard Mr. Shiv Kumar, learned counsel appearing
on behalf of the petitioner; Mr. Mujtabaul Haque, learned GP-12
along with Mr. Pranoy Kumar, learned AC to GP-12 for the
State and Mr. Vivekanand Kumar, learned counsel for the
Accountant General.

2. Mr. Shiv Kumar, learned counsel appearing on
behalf of the petitioner submits that the case of the petitioner is



similar to that of one Uday Shankar Prasad who had preferred C.W.J.C No. 8393 of 2009 and his case was considered by the Director-in-Chief, Health Services, Bihar and has been paid entire amount of retiral benefits and the salary due from the date of termination till his reinstatement.

3. The Director-in-Chief, Health Services, Bihar is directed to take immediate steps to consider the case of the petitioner in light of the judgment dated 06.10.2009 passed in C.W.J.C. No. 6575 of 2009 (Om Prakash Vs. The State of Bihar & Ors.) and ensure payment of entire legal dues to the petitioner who had attained superannuation on 31.01.2019 after his termination was set aside by this Hon'ble Court in C.W.J.C. No. 19790 of 2010 vide order dated 20.11.2018.

4. Learned counsel appearing on behalf of the State submits that against the order dated 20.11.2018 passed in C.W.J.C. No. 19790 of 2010, the State has preferred L.P.A. No.1442 of 2019. He has not denied the fact that pursuant to the order passed in M.J.C. No. 3948 of 2013 arising out of C.W.J.C. No. 8393 of 2009, entire amount has been paid in accordance with law to the other pensioners, however, petitioner is not entitled for the same benefit.

5. Mr. Shiv Kumar, learned counsel appearing on



behalf of the petitioner refers to Para-19 of the writ petition in which it has been specifically mentioned that several persons have been paid all the retiral dues and they are getting pension every month. This Court finds it proper to reproduce Para-19 of the writ petition as under:

“19. That the petitioner further came to know that beside payment of Group Insurance, General Provident Fund and leave encashment, Sri Parmeshwar Yadav, B.H.W., Primary Health Centre, Ghoghardiha, Madhubani; Khurshid Alam, Pharmasist, Primary Health Centre, Koilwar, Ara and Sri Arvind Kumar, B.H.W., Primary Health Centre, Sikandra, Jamui who were party in Civil Appeal No. 7879/2019 and analogous cases have also been paid their pension and gratuity and they are also getting month to month pension.”

6. Considering the aforesaid fact, the Director-in-Chief, Health Service, Bihar is directed to call for the service records relating to the petitioner and take a final decision with respect to the payment of retiral dues as claimed for by the petitioner in accordance with law within a period of six weeks, at least, the petitioner deserves to be paid G.P.F. and Group Insurance which has been paid to all the employees during the pendency of the L.P.A. No. 1442 of 2019 arising out of C.W.J.C. No. 19790 of 2010. Concerned respondent is also directed to consider the fact that several persons who were party to Civil Appeal No. 7879 of 2019 have been paid their pension and



gratuity and they are also getting pension every month.

7. In view of the discussions made here-in-above
and directions, the present writ petition stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	30.08.2023
Transmission Date	N.A.

