

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1562 of 2022

In
Civil Writ Jurisdiction Case No.21026 of 2018

Dr. Arun Kumar Tiwary, son of Late Shivnath Tiwary, Dismissed Medical Officer, Leprosy Control Unit, Bettiah, District-West Champaran, Resident of Village-Ujjain Tola, Bettiah, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna, Bihar namely Sri Amir Subhani.
2. The Additional Chief Secretary, Mr. Pratyaya Amrit, Department of Health, Government of Bihar, Patna.
3. The Director in Chief, Health Services, Bihar, Patna, namely Dr. Ramesh Chandra Sahay Verma.
4. The Joint Director, Health Services, Bihar, Patna, namely Mr. Rameshwar Prasad Das.
5. The Additional Director, Health Services, Bihar, Patna, namely Dr. Devendra Kumar Gupta.
6. The Divisional Commissioner, Tirhut Division, Muzaffarpur namely Sri Amresh Shrivastava.
7. The Regional Additional Director, Health, Tirhut Division, Muzaffarpur, namely Dr. Gyan Shankar.
8. The Deputy Secretary, Health Services, Bihar, Vikash Bhawan, New Secretariat, Patna, namely Sri Shailesh Kumar.
9. The District Magistrate, West Champaran, Bettiah, namely Mr. Kundan Kumar.
10. The Civil Surgeon cum Chief Medical Officer, Bettiah, West Champaran namely Dr. Birendra Kumar Chaudhary.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manaur Alam, Advocate
For the Opposite Party/s : Mr. Ramadhar Singh (GP-25)

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

10 05-07-2023 The present M.J.C. is filed for non-compliance of the order dated 17.05.2022 passed in C.W.J.C. No. 21026 of 2018.

2. Para-18 of the order dated 17.05.2022 passed in C.W.J.C. No. 21026 of 2018, it is held as under:-



“18. The appointing authority/disciplinary authority is hereby directed to examine whether petitioner is entitled to arrears of salary up to 25.08.2017, the date on which dismissal order dated 29.05.2015 was communicated. In this regard, necessary calculation shall be made and paid to the petitioner. If the petitioner is not entitled to salary during the intervening period, in this regard, necessary speaking order shall be passed with reference to relevant Rules so also Rule 21 of the Rules, 2005 relating to communication of the orders be taken note of. Such a decision shall be taken within a period of two months.”

3. Opposite Party No. 10 has filed a supplementary show cause notice along with Annexure-H & I series. Perusal of the same, it is suffice to contend that there is a compliance.

4. Accordingly, the present M.J.C. stands dropped, reserving liberty to the petitioner to file fresh writ petition in the event of disputed issues relating to calculation chart *vide* Annexure-H. If there is a disputed issue in calculation, in this regard, the petitioner is permitted to submit a detailed representation as to how he is entitled to more than what has been calculated and disbursed. If such representation is submitted, the concerned authority is hereby directed to pass a detailed speaking order and communicate the same to the petitioner.

(P. B. Bajanthri, J)

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