

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16290 of 2022

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Dr. James Paul, Son of Late Paul Bernard, Resident of Kalimanda,
Kumardhubhi, P.S.- Kumardhubhi, O.P. Chirkunda, District- Dhanbad,
Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health,
Govt. of Bihar, Patna.
2. The Deputy Secretary, Department of Health, Govt. of Bihar, Patna.
3. The Civil Surgeon-cum- Chief Medical Officer, Nawada.
4. The In- charge Medical Officer, PHC Kauakol, Nawada.
5. The Accountant General, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar, Advocate. Mr. Himanshu Shekhar, Advocate.
For the State	:	Mr. Ramadhar Singh, GP-25.
For the A.G. Bihar	:	Mrs. Nivedita Nirvikar, Sr. Advocate.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 31-07-2023

Heard Mr. Jitendra Kumar, learned counsel along
with Mr. Himanshu Shekhar, learned counsel appearing on
behalf of the petitioner; Mr. Ramadhar Singh, learned GP-25 for
the State and Mrs. Nivedita Nirvikar, learned counsel for the
Accountant General.

2. Learned counsel appearing on behalf of the
petitioner submits that the petitioner has been denied
encashment of 165 days earned leave and he has also not been
paid for the period from 24.01.1997 to 03.06.1997 for which he
was kept waiting for posting for which the petitioner is not at



fault. Petitioner is also aggrieved that financial upgradation on account of ACP/MACP has also not been taken into consideration while calculating pension of the petitioner and other legal dues along with statutory interest.

3. Considering the aforesaid submission as well as statement made on behalf of the petitioner as well as statement made in Para-10 of the counter affidavit, it appears that the sanctioning authority is required to revise the pension of the petitioner taking into consideration the fact that the petitioner was appointed on 14.08.1976 on the post of Medical Officer at E.S.I. Hospital, Dalmianagar, Rohtas and retired on 28.02.2010 from the same post. Petitioner is aggrieved that he remained stagnant on the same post. No financial upgradation was given to the petitioner, as a result of time bound promotion scheme as well as ACP/MACP scheme adopted by the State Government.

4. Considering the said fact, the petitioner is directed to file a detailed representation before the Director-in-chief, Health Services, Bihar along with supporting evidences for redressal of his grievance. The Director-in-Chief is directed to dispose of the representation of the petitioner after calling upon the records relating to the petitioner from his different place of posting and the notification relating to transfer of



petitioner to determine as to whether the petitioner had deliberately not joined the place of posting or he remained waiting for the place of posting. Petitioner is also entitled for financial upgradation as admittedly he remained on the post of Medical Officer till the date of his retirement.

5. The Director-in-Chief, Health Service, Bihar is directed to consider the grievance of the petitioner in accordance with law and dispose of the representation filed by the petitioner after verifying the records available with him and ensure that petitioner is paid all the retiral dues after revising the pension in accordance with law within a period of six weeks.

6. The writ application, accordingly, stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	01.08.2023
Transmission Date	N.A.

