

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20734 of 2014

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Sneh Lata Das W/o Shri Ram Pravesh Singh , resident of village and P.O. Chatiya , Police Station -Malahi, District - East Champaran Motihari.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Health Department, Govt. of Bihar, Patna.
2. The Director -in- Chief , Health Services , Bihar, Patna.
3. The Civil Surgeon-cum-Chief Medical Officer , Motihari, District - East Champaran.
4. The Incharge Medical Officer , Primary health Centre, Paharpur, District-East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Sagar Singh, Advocate
For the Respondent/s : Mr. Prabhat Ranjan Singh, AC to AAG 13

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 09-01-2024

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

2. The present writ petition has been filed for quashing the part of the order as contained in memo no. 334(6) dated 21.07.2014 passed by the respondent no. 2 by which the respondent no. 2 has refused the payment of salary to the petitioner for the period from 01.03.2004 to 19.06.2007.

3. Learned counsel for the petitioner further submits that after quashing the aforesaid order the respondent no. 2 was directed to pay the salary to the petitioner for the period from 01.09.2004 to 19.06.2007. The petitioner was appointed as



ANM vide memo no. 2423(6) dated 05.06.1971. In the year 1985 the petitioner was placed under suspension and subsequently in the year 1986 the suspension of the petitioner was revoked. Thereafter, the petitioner has not got the salary for the suspension period i.e. from 24.04.1985 to 08.12.1986 then the petitioner has approached this Hon'ble Court in CWJC No. 6175 of 2003 and the Hon'ble Court has pleased to dispose of the writ petition vide order dated 10.03.2004 with the direction to pay the salary for the said period along with statutory interest. Thereafter, the authority has again stopped the payment of salary of the petitioner w.e.f. 01.09.2004 which continued till 19.06.2007. Thereafter, the petitioner has approached the concerned authority but no action whatsoever taken by the authority concerned. Thereafter, the petitioner has approached this Hon'ble Court in CWJC No. 1134 of 2006 which was disposed of vide order dated 11.12.2006 with a direction to file a representation before the respondent no. 2 and the respondent no. 2 was directed to consider the grievances of the petitioner and pass a speaking order within a period of 10 weeks from the date of production of copy of the order. In terms of order dated 11.12.2006 the petitioner had filed a representation before the respondent no. 2 on 24.01.2007. In the meantime, the



respondent no. 3 had passed an order vide memo no. 2650 dated 23.10.2007 and directed to pay the salary of the petitioner from 01.09.2004 to 19.06.2007. In compliance of the direction of this Hon'ble Court in CWJC No. 1134 of 2006 the respondent no. 2 has called for a report from respondent no. 3. In the meantime, respondent no. 3 has directed the petitioner to file the relevant documents before the respondent no. 2 in support of her claim.

4. Learned counsel for the petitioner submits that in compliance of the order of this Hon'ble Court, the petitioner has submitted all the relevant papers along with the order of this Hon'ble Court before the respondent no. 2 but the respondent no. 2 in a very mechanical manner without considering the documents submitted by the petitioner had passed an order.

5. Learned counsel for the State on the other hand on the basis of material available on record and the counter affidavit submits that from perusal of the document furnished by the petitioner before the respondent no. 2, it appears that the documents submitted by the petitioner was not signed by the competent authority and even in the attendance register there was no sign of the medical officer in-charge. And in the writ petition the petitioner has claimed that she has participated in the pulse polio programme. He further submits that this



programme continues for about 6 days which held monthly but the petitioner has not furnished the continuous details that she has participated in the pulse polio programme. Apart from that every regional staff was to submit reports on weekly or monthly basis :-

- (a) Weekly report on every weekend.
- (b) Monthly report on the end of month.
- (c) Daily report of National Polio Campaign.
- (d) Report of Kalazar patients.
- (e) Report of Leprosy patients.
- (f) Report of Malaria patients.
- (g) Report of Vitamin A programme.
- (h) Report of every immunization day.
- (i) Report of couple survey.
- (j) Report of Janani Bal Suraksha.
- (k) Advance tour diary.
- (l) Daily tour diary.
- (m) Monthly outdoor report.
- (n) Summary progress report of sub centre.

6. It is clear that more than 20 reports are to be submitted every month but the petitioner had not submitted altogether 20 reports as required.



7. Considering the aforesaid facts it appears that the respondent no. 2 had rightly rejected the claim of the petitioner because she has not performed the duty between 01.09.2004 to 19.06.2007 and on the principle of no work no pay, the authority has rejected the claim of the petitioner.

8. In view of the aforesaid, this writ petition stands dismissed.

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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