

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17224 of 2015

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1. Dr. Nikhil Ranjan son of Ashok Kumar Choudhary, N.B. House, Shukla Colony, Hinoo, P.S+ P.O.- Doranda, Ranchi
 2. Dr. Avinash Kumar, Son of Ayodhaya Prasad, House No. 969/A, Maurya Vihar Colony, Transport Nagar, Kankarbagh, P.O.- Bahadurpur, P.S.- Agamkuan, Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Health, Govt. of Bihar, Patna.
3. Indira Gandhi Institute of Medical Sciences, Sheikhpura, Patna through its Administrative Officer.
4. The Director, Indira Gandhi Institute of Medical Sciences, Sheikhpura, Patna.
5. The Medical Superintendent, Indira Gandhi Institute of Medical Sciences, Sheikhpura, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shashank Chandrakar, Advocate
For the State	:	Ms. Dimpal Kumari, A.C. to G.P.-11
For the IGIMS	:	Mr.Sunil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 04-01-2024

Heard Mr.Shashank Chandrakar, learned counsel
appearing for the petitioners, Ms. Dimpal Kumari, learned A.C. to
learned G.P.-11 appearing for the State and Mr.Sunil Kumar Singh,
learned counsel appearing for the IGIMS.

2. This writ application has been filed for direction to
the respondents to make payment of unutilized earned leaves of 90
days to petitioners at par with Senior Residents (Academic) of
AIIMS, New Delhi. The petitioners further pray to make payment



of unutilized earned leave of 2012-15 to the petitioners who are Senior Residents (Academic) in Indira Gandhi Institute of Medical Sciences, Sheikhpura, Patna.

3. Learned counsel for the petitioners submits that the Health Department issued a letter dated 10.10.1991 stating therein that the promotion, pay scale and other service conditions of employees of IGIMS would be guided by the Rules prevailing in AIIMS, New Delhi. The said communication of the State Govt. has already been approved by the Board of Governors of IGIMS. In pursuance of letter dated 10.10.1991 IGIMS issued consequential Office Order dated 10.02.1994 adopting/approving the communication/decision of the State Govt. as well as its Board of Governors in respect of service conditions of employees of IGIMS.

4. Learned counsel for the petitioners submits that the petitioner No.1 was admitted on 01.08.2012 in M.Ch. Course of 2012-15 session in the Department of Urology in IGIMS and petitioner No.2 was also admitted on 01.08.2012 in D.M. Course of 2012-15 session in the Department of Gastroenterology in IGIMS and the petitioners have to work as Senior Residents of IGIMS. The petitioners have been paid Senior Residents of pay scale of Rs. 18,000-39,000/- with Pay Band of Rs.6000/-. The



petitioners have completed their course in 2015. The petitioners have come to know that they are Senior Residents (Academic) are not getting unutilized leave amount of 90 days but Seniors Residents (Non-Academic) have been paid utilized leave of 90 days. The Senior Residents (Non-Academic) are getting leave encashment at par with and Senior Residents (Non-Academic) of AIIMS but Senior Residents (Academic) of IGIMS are not getting leave encashment at par with Senior Residents (Academic) of AIIMS.

5. Mr. Sunil Kumar, learned counsel appearing for the IGIMS has filed counter affidavit and it has been accepted in the counter affidavit that the Health Department, Govt. of Bihar, issued letter dated 10.10.1991 stating therein that promotion, pay scale and other service conditions of employees of IGIMS would be guided by the Rules prevailing in AIIMS, New Delhi and the same was approved by the Board of Governors of IGIMS. Thereafter, the IGIMS issued consequential office order dated 10.02.1994. Learned counsel for the IGIMS submits that the Board of Governors in its meeting dated 14.05.2011 approved Resolution No.89/1347 by which decision was taken for enhancement of pay scale Junior Residents at par with AIIMS, New Delhi. The Joint Secretary, Health Department, Govt. of



Bihar, on 26.06.2012 has informed the Director of IGIMS that Junior Residents would get pay scale at par with AIIMS, New Delhi and the Senior Residents (Non-Academic) are treated as employees and hence, they have been given facility to encash the unavailed leave encashment but the petitioners are not come under the purview of the employees of IGIMS.

6. In view of the aforesaid, the Authority has rightly not paid the unutilized earned leave of 90 days to the petitioners at par with Senior Residents (Academic) of AIIMS, New Delhi and there is no merit in this writ application. Accordingly, it is dismissed.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.01.2024
Transmission Date	12.01.2024

