

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.311 of 2020

In
Civil Writ Jurisdiction Case No.17614 of 2019

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Abha Kumari W/o Sri Ramanand Singh Resident of Ward No.- 38, Behind
Pariwar Sadan Chanakya Nagar, Begusarai, Vishunpur.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department,
Government of Bihar, Patna.
2. The Director-in-Chief, Health Services, Government of Bihar, Patna.
3. The Civil Surgeon, Begusarai.
4. The Superintendent, Sadar Hospital, Begusarai.
5. The District Treasury Officer, Begusarai.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Ravindra Kumar, Advocate Mr. Shiv Kumar Prabhakar, Advocate Mr. Uma Shankar Sharma, Advocate
For the Respondent/s	:	Mr.S.D.Yadav, AAG9 Mr.Anil Kumar Verma, AC to AAG9

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 13-11-2024

Re:I.A. No. 01 of 2021

Heard I.A. No. 01 of 2021 for condonation of delay in
filing LPA. For the reasons stated in the application read with
affidavit, delay of about 42 days in filing LPA stands condoned.
Accordingly, I.A. No. 01 of 2021 stands allowed.

2. With the consent of the learned counsels for the
respective parties, the present LPA is taken up for final disposal.

3. Grievance of the appellant is in respect of transfer



from Sadar Hospital, Begusarai to office of the Civil Surgeon, East Champaran *vide* communication dated 24.05.2019. The learned Single Judge has rejected writ petition. Hence, the present LPA.

4. Learned counsel for the appellant submitted that appellant was suffering from knee pain and she had undergone surgery. Therefore, transferring from Begusarai to East Champaran is not in public interest and transfer order liable to be set aside. It was bounden duty of the appellant to obey the order of transfer and she can't remained unauthorised absent. On the issue of the fact that she has undergone surgery of her right knee. If she is unable to move from the bed, in that event she should have made necessary medical records and apprise the concerned authority to the extent that she is unable to join at transfer place as it was beyond her control. However, it is learnt that she had already joined service at East Champaran. Moreover, order of transfer is dated 24.05.2019 and it has spent its force on account of the fact that appellant has joined service. Hence, no interference is called for with the impugned order dated 22.06.2020 passed in CWJC No. 17614 of 2019 read with transfer communication dated 24.05.2019 passed by the Director-in-Chief, Health Services, Government of Bihar.



5. At this stage, learned counsel for the appellant submitted that appellant has attained age of superannuation and retired from service on 31.03.2022. Her retiral dues have not been settled on account of transfer and litigation are pending consideration. However, in this regard the appellant is hereby directed to submit a detailed representation for settlement of retiral dues at the earliest. If such representation is submitted, the concerned authority is hereby directed to settle her retiral dues in accordance with law within a period of three months from the date of such representation/application to be submitted by the appellant.

6. With the above observation, the present LPA No.311 of 2020 stands dismissed.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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