

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4712 of 2018

Dr. Arbind Kumar Singh S/o Late Jaikishore Singh Resident of 262 Nehru Nagar, Boring Road, P.S. - Nehru Nagar, District - Patna at present posted as Senior Resident Surgery Department Vardhman Medical College Pawapuri, Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. The Special Secretary, Health Department, Government of Bihar, Patna.
5. The Officer on Special Duty, Health Department, Government of Bihar, Patna.
6. The Under Secretary, Finance Personal Claim Fixation Cell Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kiran Sinha, Advocate
For the Respondent/s : Mr. Manoj Kumar Yadav, AC to AAG-10

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 23-01-2024

Heard learned counsel for the petitioner and learned counsel for the State.

2. Learned counsel for the petitioner submits that the present writ petition has been filed for the following relief/s:-

“ (i) For payment of salary for one day dated 29.03.2020.

(ii) For regularization of period from 30.03.2000 to 04.06.2002 as extraordinary leave during which the petitioner was pursuing Post Graduate study in the Department of Surgery



from PMCH, Patna.

(iii) For payment of salary for the period from 05.06.2002 to 18.06.2003 during which he was kept waiting for posting in the Health Department.

(iv) For regularization of period from 07.01.2006 to 06.09.2010 as training period during which the petitioner was pursuing senior residency in Neuro and Gastro Department at IGIMS, Patna.

(v) For payment of salary for the period from 07.09.2010 to 05.01.2011 during which he was kept waiting for posting in the Health Department.

(vi) For issuance of appropriate direction to respondents authorities to pay interest at the market rate for the non-payment of salary.”

3. Learned counsel for the State submits that considering the entire pleading of the petitioner, the decision has been taken at the competent level by which datewise consideration about the entitlement of his payment has been considered, as contained in Annexure-A to the counter affidavit, filed on behalf of respondent No.5.

4. Learned counsel for the petitioner submits that the said decision is not correct as he has ample proof that during the



said period, he was working /waiting for posting. He has controverted the statement in the rejoinder affidavit on the basis of the supported document made in the writ petition.

5. In this view of the matter, this writ petition is disposed off directing the respondent authority to make payment of his admitted dues and for the period for which the petitioner has raised objection, he is hereby permitted to file a representation before the Principal Secretary, Health Department, Government of Bihar, Patna, who upon considering the documents of his working /waiting for posting shall take a decision in this regard within three months from the date of production of representation along with a copy of this order.

6. With the aforesaid observation and direction, the writ petition stands disposed off.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	24/01/2024
Transmission Date	NA

