
(2002) 03 JH CK 0035

In the Jharkhand High Court

Case No : C.W.J.C. No. 791 of 2000 (R)

Dr. (Mrs.) Madhubala Rana

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 13-03-2002

Acts Referred:

Citation : (2002) 03 JH CK 0035

Hon'ble Judges : Vikramaditya Prasad, J

Bench : Single Bench

Advocate : S.B. Gadodia, R.K. Verma and V.N. Choudhary, for the Appellant; N. Thakur, JC to AAG, for the Respondent

Judgement

Vikramaditya Prasad, J.—The petitioner was a Medical Officer. It is claimed that she has not been paid salary for the period 1.1.1991 to 25.6.1992, from February, 1996 to June, 1997 and from 21.9.1998 to 5.10.1999. It is the further case of the petitioner that the petitioner was under suspension for disobeying the order of the Government, for which a Departmental Proceeding was initiated and ultimately the suspension order was revoked and for the period of suspension also, the payment of salary has not been paid to the petitioner. After the revocation of the suspension order, the petitioner approached the respondents and filed a detailed representation for payment of salary for the period 1.9.1991 to 25.9.1992, February, 1996 to June, 1997 and from 21.9.1998 to 5.10.1999, but no payment was made to the petitioner and she suffered financial crisis and mental agony.

2. In this application, it was not stated that she was not being paid the subsistence allowance. It appears that earlier she had filed a writ application being CWJC No. 3162 of 1995R, which was disposed of with a direction to make payment of the dues of the petitioner, but the said order was not fully complied with by the respondents.

3. The respondent No. 5, In-charge Medical Officer of the Primary Health Centre,

Churchu, has filed the counter-affidavit annexing therewith the Annexure-G series. In G series at page 20. he has requested the Secretary. Health, to allot a sum of Rs. 4,12,480/-for payment of dues to the petitioner. This letter was written on 31.5.2001. Subsequently, a similar letter was also written on 17.7.2001 and lastly on 6.9.2001 another similar letter was written by the aforesaid respondent to the Secretary, Health, but till date no allotment has been made and consequently no payment could be made to the petitioner.

4. On perusal of the G series, it does not transpire as to under what account/ heads and for what period this amount has been demanded and on what basis this calculation has been arrived at. But nevertheless, it is admitted that at least this much amount is payable to the petitioner.

5. Learned counsel appearing for the State has argued that from period 10.3.1996 to 30.6.1997, the petitioner was not traceable and consequently, salary for that period is not payable to her, but she does not contest that the amount which is sought to be allotted is not payable to the petitioner.

6. Learned counsel appearing for the petitioner submits that this amount be paid to the petitioner along with a calculation chart and the calculation chart should also be provided to the petitioner so that she knows as to for what period and for what heads the amounts is being paid to her. Learned counsel for the petitioner fairly agreed that if" this amount totally redresses the claim of the petitioner, no further claim even if it is for Rs. one thousand, will be made.

7. Considering the entire circumstances, the respondent. Secretary, Department of Health, Government of Jharkhand, is directed to make the aforesaid allotment available within a period of 15 days from the date of receipt/production of a copy of this order and after the allotment is made, within 10 days thereafter payment will be made to the petitioner by the respondent. No. 5 along with a calculation chart of payment bifurcating the payments made on different heads/accounts.

8. With the aforesaid observations/ directions, this application is disposed of.

9. Let a copy of this order be made available to the learned counsel appearing for the State. Disposed of according with directions.