
(2005) 02 JH CK 0081

In the Jharkhand High Court

Case No : Writ Petition (S) No. 472 of 2005

Dr. Smt. Usha Singh

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 10-02-2005

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2005) 2 JCR 86

Hon'ble Judges : S.J. Mukhopadhaya, Acting C.J.

Bench : Single Bench

Advocate : Rabindra Prasad, for the Appellant; AG, for the Respondent

Judgement

S.J. Mukhopadhaya, A.C.J.

1. This writ petition has been preferred by the petitioner for direction on the respondents to pay her salary for the period from September, 1997 to 13th November, 2000 and subsistence allowance for the period from 15th November, 2000 to March, 2003.

2. According to the petitioner, she was initially appointed on 11th October, 1983 in the office of Civil Surgeon-cum-Chief Medical Officer, Giridih. Thereafter, she was transferred to the Referral Hospital, Bermo (Bokaro) where she worked from September, 1997 to 13th November, 2000, but the salary for the said period was not paid to her, the fund having not been allowed. It is stated that she was placed under suspension on 15th November, 2000 but, thereafter, she was also not paid subsistence allowance for the period upto March, 2003.

3. From the pleadings made by the petitioner, it is not clear as to whether she is getting subsistence allowance since April, 2003 or not nor it is clear whether any departmental proceeding was initiated and that has come to an end or not.

4. In the facts and circumstances, as the matter requires determination firstly by the competent authority, the case is remitted to the Secretary, Health and Family

Welfare Department, Government of Jharkhand to enquire into the matter and determine the claim within three months from the date of receipt of representation along with a copy of this order.

5. It is needless to say that if the petitioner worked during the period from September, 1997 to 13th November, 2000, she will be entitled for salary but for payment of subsistence allowance, she will have to file a certificate that she was present in the headquarters as was fixed during the suspension. If any amount is found payable, the respondents will pay the admitted dues to the petitioner within the aforesaid period of three months.

6. On the other hand, if the authorities dispute any claim or part thereof, will communicate the ground to the petitioner.

7. This writ petition stands disposed of, with the aforesaid observations/directions.