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C.A.No. 4676 OF 1999

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ITEM NO.108

COURT NO.6

SECTION-XVII

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO.4676/1999

Sridhar Sinha .. Appellant

Vs.

State of Bihar & Ors. .. Respondent
(With office report)

DATE : 27.11.2001 : This/These matter (s) was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MRS.JUSTICE RUMA PAL

For Appellant (s) : Mr. P.S. Mishra, Sr. Adv.
Mr. R.K. Khanna, Adv.
Mr. Vishnu Sharma, Adv.
Mrs. Ritu Jalali, Adv.
Mr. Rajesh Prasad Singh, Adv.

For Respondent (s) : Mr. B.B. Singh, Adv.
Mr. Kumar Rajesh Singh, Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....J
.SP2

The appeal is disposed of in terms of the signed
order placed on the file.

.SP1

(Meenu Sethi)
Court Master

(Om Prakash)
Court Master

Signed order is placed on the file

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4676 OF 1999@@
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Sridhar Sinha .. Appellant

Vs.

State of Bihar & Ors.

.. Respondents

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.SP2

The grievance of the appellant in this matter was in relation to his transfer from the Primary Health Centre, Patna to Primary Health Centre, Bikram. Challenge to that order made in a Writ petition came to be rejected. However, pursuant to the order made by the High Court in C.W.J.C. No. 2656/1995, the Government on March 7, 1995 made an order to the following effect:

.SP1

- a) That the petitioner Sri Shridhar Sinha will remain at Patna Sadar Block since he is the office bearer of the Association Civil Surgeon, Patna will issue necessary order at-once.
- b) That Sri Chitranjan Kumar Singh may be posted at Bikram block, Civil Surgeon, Patna will issue necessary order at-once.
- c) That Civil Surgeon, Patna will draw the arrear salary of Sri Sridhar Sinha against a vacant post in one district and will disburse his arrear salary.

.SP2

It is now stated that the appellant has since retired from service, no useful order can be made in regard to question of transfer. His claim is now confined only to claiming arrears of salary or other emoluments, if any.

-2-

In regard to that aspect of the matter, the appellant has not made any specific claim earlier, therefore, it would not be proper for us to go into that question in these proceedings. It would be proper for the appellant to make due representation to the Government and make a claim before the Government.

Mr. B.B. Singh, learned counsel for the respondents brings to our notice that inasmuch as the appellant had not rejoined his duties pursuant to the orders of the High Court or this Court and disciplinary action as initiated against him would have an impact on this course of action to be taken by the Government.

It would be appropriate for the appellant to make a representation to the Government within a period of one month from today and Government to dispose of the same within a period of three months from date of receipt of the representation. The Government shall take into consideration whether modification in regard to salary and pension should be made or not. The appeal is disposed of accordingly.

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[S. RAJENDRA BABU]@@
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[RUMA PAL]@@
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New Delhi,@@
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November 27, 2001.