

विषय:—न्यायालयीन प्रकरण डब्ल्यू. पी. क्रमांक 1012/2016 शिवचरण यादव, सेवानिवृत्त सीनियर मेडिकल आफिसर, जिला-नरसिंहपुर, विरुद्ध मध्यप्रदेश शासन एवं अन्य में प्रभारी अधिकारी की नियुक्ति किये जाने बाबत ।

विषय:—न्यायालयीन प्रकरण डब्ल्यू. पी. क्रमांक 1012/2016 शिवचरण यादव, सेवानिवृत्त सीनियर मेडिकल आफिसर, जिला-नरसिंहपुर, विरुद्ध मध्यप्रदेश शासन एवं अन्य में प्रभारी अधिकारी की नियुक्ति किये जाने बाबत ।

शिवचरण यादव, सेवानिवृत्त सीनियर मेडिकल आफिसर, जिला-नरसिंहपुर, ने माननीय उच्च न्यायालय जबलपुर में पेशन एवं अन्य भुगतानों के संबंध में याचिका दायर की है। विषयांकित न्यायालय प्रकरण, में प्रमुख सचिव, भोपाल, /आयुक्त स्वास्थ्य, /संभागीय संयुक्त संचालक स्वास्थ्य सेवायें, जबलपुर, /मुख्य चिकित्सा एवं स्वास्थ्य अधिकारी, नरसिंहपुर, /सिविल सर्जन सह-अस्पताल अधीक्षक, जबलपुर, एवं अन्य, को प्रतिवादी बनाया गया है। प्रकरण नरसिंहपुर जिले से संबंधित है।

माननीय न्यायालय द्वारा प्रकरण की सुनवाई दिनांक 07/03/2016 को नियत थी, /है। जिसमें शासन पक्ष की ओर से प्रतिरक्षण किये जाने एवं वादोत्तर समय-सीमा में प्रस्तुत किये जाने हेतु मुख्य चिकित्सा एवं स्वास्थ्य अधिकारी, नरसिंहपुर, को प्रभारी अधिकारी नियुक्त किया जाना प्रस्तावित है।

22/3/16
प्रभारी अधीक्षक(लीगल)

DD (Legal) - N.A.

आफिसर एवं मान्यता की उच्च मंजूरी की
स्वच्छ प्रतियां हस्ताक्षरार्थ प्रस्तुत हैं तदुपरांत नष्ट
विधि विभाग के अंतिम आदेशों पर।

DD (Legal) - N.A.

Director (Legal)

विधि विभाग

सं. क्र. 422-23, दि. 11/03/16

10/3/16
संचालक
स्वास्थ्य सेवायें
मध्यप्रदेश

जावक क्र. / लीगल / 2016-185
दिनांक 21/03/16

22/3/16

22/3/16

8245

का. मो. 10/4/16
22-3-16

P 3/16

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

Process Id: 20148/2016

WP/1012/2016

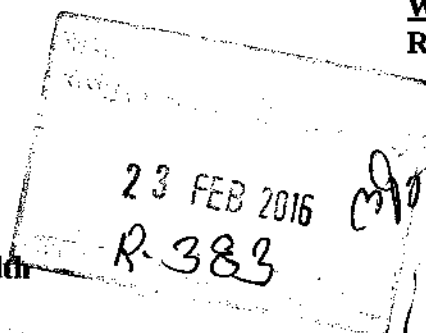
From

Kishore Pithawe
Deputy Registrar,
High Court of Judicature
at Jabalpur

FOR ADM. and I.R.
Fixed for 07-03-2016
WP-DA-4
Respondent No. 2

To,

Commissioner Health Directorate Of Health
Services,
Satpura Bhawan Bhopal,
District- Bhopal (MADHYA PRADESH),



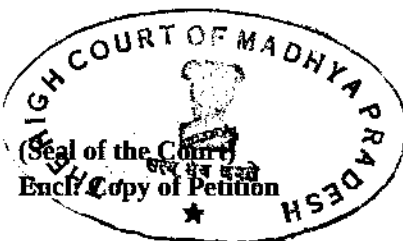
Jabalpur 04-02-2016

Sub: Notice to Respondent No. 2 in writ Petition (Mandamus/Prohibition/ Certiorari/ Quo Warranto) No.
WP/ 1012/ 2016

Sir/Madam,

I am directed to inform you that one **Shiv Charan Yadav** has filed a petition under Article 226 of the Constitution of India (Copy enclosed) in this Court, and the same is registered as Writ Petition (Mandamus/ Prohibition/ Certiorari/ Quo Warranto) No. **WP/1012/2016**

Take notice that you are required to submit a return personally or through a duly engaged Advocate on or before **07-03-2016**. If no return is filed as aforesaid, the petition will be heard and decided ex parte.



Your faithfully

DEPUTY REGISTRAR

OIC
CMHO
Narsinghpur

IN THE HIGH COURT OF MADHYA PRADESH PRINCIPAL SEAT
AT JABALPUR

W.P. NO. 1012 OF 2016

PETITIONER: Shiv Charan Yadav.

// VERSUS //

RESPONDENTS: State of M.P. & others

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PLACE: Jabalpur
DATE: 12/1/16

(IQBAL AHMED)
ADVOCATE FOR PETITIONER

2

IN THE HIGH COURT OF MADHYA PRADESH PRINCIPAL SEAT
AT JABALPUR

W.P. NO. _____ OF 2016

PETITIONER: Shiv Charan Yadav.

// VERSUS //

RESPONDENTS: State of M.P. & others

CHRONOLOGICAL EVENTS

S.NO.	DATE	EVENTS
1	29.5.1982	The petitioner was appointed as Assistant Surgeon in the Health Department.
2	31.7.15	On 31.7.15, the petitioner after attaining the age of superannuation has been retired from the post of Medical Officer without any stigma ever attached to his service career.
3	26.12.15	Impugned recovery of Rs. 8,55,660/- being made by the respondent no. 7 from the D.C.R.G. (Death-Cum-Retiral Gratuity) of petitioner on the pretext of excess payment due to malafide intention without disclosing any plausible rhyme or reason.
7	5.1.16	Petitioner submitted representation, but failed to evoke any response.

PLACE: Jabalpur
DATE: 12/1/16

(IQBAL AHMED)
ADVOCATE FOR PETITIONER

IN THE HIGH COURT OF MADHYA PRADESH PRINCIPAL SEAT
AT JABALPUR

W.P.NO. _____ OF 2016

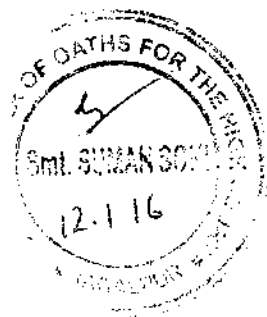
PETITIONER:

Shiv Charan Yadav,
Son of Late Nanoram Yadav,
Aged about 65 years,
Retired Medical Officer,
District Hospital Narsinghpur,
R/o Qr. No.MF-1, in front of
District Hospital, Civil Lines,
Narsinghpur (M.P.)

// VERSUS //

RESPONDENTS:

1. State of Madhya Pradesh,
Through: Principal Secretary,
Public Health & Family Welfare Deptt.,
Mantralaya, Vallabh Bhawan,
BHOPAL (M.P.)
2. Commissioner, Health,
Directorate of Health Services,
Satpura Bhawan, BHOPAL (M.P.)
3. Joint Director,
Treasury & Accounts,
Jabalpur Division, JABALPUR (M.P.)
4. District Treasury Officer, Narsinghpur,
District NARSINGHPUR (M.P.)
5. District Pension Officer, Narsinghpur,
District- NARSINGHPUR (M.P.)
6. Chief Medical & Health Officer,
Narsinghpur, District NARSINGHPUR (M.P.)
7. Civil Surgeon-Cum-Chief Hospital
Superintendent, District Hospital Narsinghpur,
District NARSINGHPUR (M.P.)



WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION
OF INDIA

1. PARTICULARS OF THE CAUSE/ORDER AGAINST WHICH
THE PETITION IS BEING MADE:

- (i) Date of order: 26.12.15 contained with recovery orders (Ann.P/2)
- (ii) Passed in Case/File No.: Pri.Kramank/Stha./2015/4794
- (iii) Passed by : Respondent No.7
- (iv) SUBJECT MATTER IN BRIEF:

That the present Writ Petition is being filed against impugned order dt.26.12.15 contained with recovery orders, passed by the respondent no.7, whereby recovery of Rs.8,55,660/- has been made from the payment of D.C.R.G. (Death-Cum-Retiral Gratuity) to the petitioner, who has been retired on 31.7.15, on the pretext of excess payment due to malafide intention without disclosing any plausible rhyme or reason. The act of the respondent authorities is clear violation of Service Jurisprudence as also well settled principle laid down by Hon'ble Apex Court and this Hon'ble High Court that the Retiral dues including ancillary benefits including Gratuity is not a charity nor a bounty, but it's a property of an employee, which he earns after rendering long duration of service. The petitioner has made representation before the respondent authorities, but failed to evoke any response. That it is pertinent to mention here that it is not the case of the respondent authorities that the petitioner has received any excess payment by committing cheat, fraud or misrepresentation with the respondent Department. Hence the recovery of aforesaid amount Rs.8,55,660/- is totally malafide, arbitrary and to harass and victimize the petitioner without any fault on his part and so also without affording any opportunity of being heard to the petitioner. The action of the respondent authorities is also contrary to the Circular of State of Madhya Pradesh, Finance Department, Mantralaya, Bhopal, dt.28.2.2009, wherein it has been clearly mentioned in sub para of para 5 that if the excess payment has been made due to the mistake

12.1.16

of Head of the Office (Karyalaya Pramukh)/Competent Authority, in that event, the said recovery of excess payment should be made from the concerning Officer/Authority and so also 10% penalty on the said recovery should also be recovered from concerning Officer. Thus, the impugned recovery is bad in the eyes of law and is liable to be dismissed by this Hon'ble Court, restraining the respondent authorities from recovering the amount of Rs. 8,55,660/- to the petitioner and to direct the respondent authorities to immediately settle the Pension including Leave Encashment amount of petitioner within a time bound frame and if unnecessary delay is caused by the respondent authorities, an interest @ 12% may kindly be imposed on the respondent authorities. Hence this Petition.

2. A DECLARATION THAT NO PROCEEDING ON THE SAME SUBJECT MATTER HAS BEEN PREVIOUSLY INSTITUTED IN ANY COURT, AUTHORITY OR TRIBUNAL IF INSTITUTED, THE STATUS OR RESULT THEREOF, ALONG WITH COPY OF THE ORDER:

The petitioner most respectfully submits that no proceeding on the same subject-matter as regards recovery on the pretext of excess payment from the Gratuity amount of the petitioner has been previously instituted in any Court, authority or tribunal.

3. DETAILS OF REMEDIES EXHAUSTED:

The petitioner has no other efficacious remedy except to invoke the jurisdictions of this Hon'ble Court.

4. DELAY, IF ANY, IN FILING THE PETITION AND EXPLANATION THEREFOR:

6

That the petitioner most humbly submits that there is no delay in filing the present petition.

5. FACTS OF THE CASE:

The facts of the case are as follows: -

- 5.1. That the petitioner is a citizen of India having fundamental rights enshrined in Part-III under Constitution of India.
- 5.2. That, the petitioner was appointed on the post of Assistant Surgeon (now known as Medical Officer) in the Health Department under the control and supervision of respondents no.6 & 7 on 29.5.1982. Copy of relevant extract of Service-Book depicting his post as Assistant Surgeon and date of appointment and other particulars etc. is filed herewith as ANNEXURE P/1 for kind perusal and ready reference of this Hon'ble Court.
- 5.3. That he has throughout a clean and meritorious unblemished service record and no any stigma ever attached to his service career and after attaining the age of superannuation and completing successful service tenure of near about 33 years, he has been retired from the post of Medical Officer on 31.7.15. The date of retirement has already been mentioned in the extract copy of Service-Book contained in Annexure P/1.
- 5.4. That the petitioner shocked and surprised to receive impugned order dt.26.12.15 contained with recovery orders, passed by the respondent no.7, copies whereof are cumulatively filed herewith as ANNEXURE P/2, whereby

12.1.16



recovery of Rs.8,55,660/- has been made from the payment of D.C.R.G. (Death-Cum-Retiral Gratuity) to the petitioner, who has been retired on 31.7.15, on the pretext of excess payment due to malafide intention without disclosing any plausible rhyme or reason.

5.5. That even after about 6 months have been elapsed from the date of retirement, but instead of settling the Pension with other dues of the petitioner, the respondent no.7 has passed the impugned order by making a recovery of Rs.8,55,660/- from the D.C.R.G. (Death-Cum-Retiral Gratuity) on the pretext of excess payment due to malafide intention without disclosing any plausible rhyme or reason even for namesake, which is not sustainable in the eyes of law.

5.6. That action of the respondent authorities in recovering the amount of Rs.8,55,660/- from PPO/GOP of the petitioner is also contrary to the Circular of State of Madhya Pradesh, Finance Department, Mantralaya, Bhopal, dt.28.2.2009, a copy of Circular will be made available at the time of hearing, wherein it has been clearly mentioned in sub para of para 5 that if the excess payment has been made due to the mistake of Head of the Office (Karyalaya Pramukh)/Competent Authority, in that event, the said recovery of excess payment should be made from the concerning Officer/Authority and so also 10% penalty on the said recovery should also be recovered from concerning Officer. Thus, the impugned recovery is bad in the eyes of law and is liable to be dismissed by this Hon'ble Court, directing the respondent authorities to not recover the amount of Rs. 8,55,660/- from the petitioner and to settle the Pension with Gratuity, Leave Encashment immediately

within a time bound frame and if unnecessary delay is occurred by the respondent authorities in settling the said claim, an interest @ 12% may kindly be imposed on the respondent authorities.

5.7. That the petitioner made representation for mitigating his grievance, but failed to evoke any response. Copy of representation dt.5.1.16 is filed herewith as ANNEXURE P/3.

Hence this Petition on the following grounds amongst others: -

6. GROUND'S URGED:

6.1. That action of the respondent authorities in recovering the amount of Rs.8,55,660/- from PPO/GPO vide impugned dt.26.12.15 contained with recovery letters (Annexure P/2) of the petitioner is also contrary to the Circular of State of Madhya Pradesh, Finance Department, Mantralaya, Bhopal, dt.28.2.2009.

6.2. That the respondent authorities have no right or authority under law to recover such an amount from PPO/GPO of the petitioner, because it is not the case of the respondent authorities that the petitioner has received the amount by committing any cheat, fraud or misrepresentation with the respondent Department.

6.3. That the respondent authorities have also failed to disclose any plausible rhyme or reason for making recovery of such an amount from the PPO/GPO of the petitioner. which is very shortly be issued by the respondents

12-1-16

6.4. That before passing the impugned order of recovering such amount from the PPO/GOP of the petitioner, no any opportunity of being heard has been afforded to the petitioner by the respondent authorities, thus the said act of the respondent authorities is against the Service Jurisprudence and also against the principles of natural justice, warranting interference of this Hon'ble Court.

6.5. That it's a well settled principle of law laid down by Hon'ble Apex Court as well as this Hon'ble Court that Retiral Dues including Gratuity is neither a charity nor a bounty, but it's a property of an employee, which he earns after rendering a long duration of service. Thus, the impugned recovery by order dt.26.12.15 contained with recovery letters (Annexure P/2) is liable to be set-aside.

6.6. That the reasonable representation contained in Annexure P/3 has failed to evoke any response by the respondents.

6.7. That it is really unfortunate that the petitioner, who has served 33 years & 2 months successful and unblemished service in the respondent Department, is running pillar to post for settling his Pension with Gratuity and Leave Encashment and even after about 6 months of the retirement, the respondent authorities have failed to settle his Pension with Gratuity and Leave Encashment up till date on the pretext of recovery of excess amount, which fault is not on the part of petitioner.

6.8. That due to the arbitrary and malafide action on the part of respondent authorities in harassing the petitioner on one pretext or the other, the petitioner, who is a senior citizen

aged about 66 years is facing mental agony, for which, the respondents are liable to pay compensation to the petitioner.

6.9. That the act of the respondents is violative of Articles, 14, 16, 19 & 21 of the Constitution of India.

6.10. That the humble petitioner prays mercy of this Hon'ble Court to raise any other grounds apart from what has been stated above, at the time of hearing.

7. RELIEF(S) SOUGHT:

In view of the facts and grounds mentioned above, the petitioner seeks issue for the following reliefs: -

(i) Hon'ble Court may kindly be pleased to set-aside the impugned order dt.26.12.15 containing with recovery letters (Annex.P/2), by which, impugned recovery of Rs.8,55,660/- has been made from the Gratuity of petitioner on the pretext of excess payment without disclosing any plausible rhyme or reason and also without affording any opportunity of being heard to the petitioner.

(ii) Hon'ble Court may kindly be pleased to direct the respondents concerned to settle the Pension of the petitioner including Gratuity and Leave Encashment without making any recovery as per the impugned order within a time bound schedule, in the interest of justice.

(iii) Hon'ble Court may kindly be pleased to direct the respondent authorities concerned to compensate the petitioner to the tune of Rs.2,00,000/- or which this Hon'ble Court may deem fit and proper in the facts & circumstances of the case, in the interest of justice.

12.1.16

12.1.16

- (iv) Any other writ, order or direction, which this Hon'ble Court deems fit and proper in the facts and circumstances of the case, may also kindly be passed, in the interest of justice.

8. INTERIM ORDER/WRIT IF ANY, PRAYED FOR:

It is most humbly prayed that this Hon'ble Court may kindly be pleased to stay the operation and effect of impugned order dt.26.12.15 containing with recovery letters (Annex.P/2) and to pay interest @ 12%, if any delay is caused in settling the Pension Claim of the petitioner, during the pendency of this Petition, in the interest of justice.

9. DOCUMENTS RELIED ON BUT NOT IN POSSESSION OF THE PETITIONER:

The petitioner most respectfully submits that he relies upon the documents already submitted by him along with the Writ Petition and reserves right to file any other document, when they will be required to be filed by this Hon'ble Court.

10.CAVEAT:

That, no notice of lodging a caveat by the opposite party is received.

That an affidavit is filed herewith in support of the Writ Petition.

PLACE: Jabalpur
DATE: 12/1/16

(IOBAL AHMED)
ADVOCATE FOR PETITIONER



IN THE HIGH COURT OF M.P. PRINCIPAL SEAT AT JABALPUR

W.P. NO. _____ OF 2016

PETITIONER: Shiv Charan Yadav

// VERSUS //

RESPONDENTS: State of M.P. & others

AFFIDAVIT

I, Shiv Charan Yadav, Son of Late Nanooram Yadav, Aged about 65 years, Retired Medical Officer, District Hospital Narsinghpur, R/o Qr. No.MF-1, in front of District Hospital, Civil Lines, Narsinghpur (M.P.), do hereby solemnly affirm on oath and state as under:-

1. That I am the petitioner in the instant Petition and well acquainted with the facts of the case. Accompanying Writ Petition under Article 226 of the Constitution of India has been drafted as per my instructions by my Counsel and the contents thereof have also been explained to me in Hindi by my Counsel, I have understood the same. That all the documents enclosed along with the Writ Petition are the True Copies of their respective Originals.
2. That the contents from paragraphs 1 to 10 of the accompanying Writ Petition are true to my personal knowledge and belief.

12-1-16

Deponent

VERIFICATION

I, Shiv Charan Yadav, the deponent, do hereby verify that the contents of this affidavit from paragraphs 1 to 2 are true to my personal knowledge and belief.

Signed and verified on this 12th day of January 2016 at Jabalpur.

Sworn before me on the 12th day of Jan 16
at _____
by Shiv Charan Yadav, Son of Late Nanooram Yadav, who is personally known to me and has been identified by me.
Identified by me
Whose Signature is _____
Deponent

IN THE HIGH COURT OF M.P. PRINCIPAL SEAT AT JABALPUR

W.P. NO. _____ OF 2016

PETITIONER: Shiv Charan Yadav .

// VERSUS //

RESPONDENTS: State of M.P. & others

LIST OF DOCUMENTS

S.NO.	DESCRIPTION OF DOCUMENTS	DATE OF DOCUMENTS	ORIGINAL/ COPY	NO. OF PAGES
1.	Copy of relevant extract of Service-Book depicting his post as Assistant Surgeon and date of appointment and other particulars etc.		Copy	3
2.	Copy of impugned order dt.26.12.15 contained with recovery orders passed by the respondent no.7	26.12.15	Copy	3
3.	Copy of representation dt.5.1.16	5.1.16	Copy	1

PLACE: Jabalpur
DATE: 12/1/16

(IQBAL AHMED)
ADVOCATE FOR PETITIONER

Oath of Allegiance

"I and Mrs. S. V. S. do solemnly affirm that I will be faithful and true to allegiance to the Constitution of India as by law established and that I will carry out the duties my office loyalty honestly and with impartiality."

(S: help me Good)

Signature

जा राय

भारत की संस्कृति का विकास
 के प्रति हमारा ध्यान है। संस्कृति के विकास के लिए हमें अपने
 के कर्मों को निरंतर और सतत रूप से बढ़ावा देना होगा।

(ईश्वर सहायक हो) ।

हस्ताक्षर

Novice

(Money deposited in the savings Bank as security for proper discharge of his official duties by the official to whom this service book is issued is liable to forfeiture for misconduct, act or omission on his part, in virtue of his official position which involves for him the responsibility to the Govt. or any person thus a condition of service.)

(विश्व कर्मचारी को यह सूचना दी जाती है, उपरोक्त आर.सी.ए. के अनुसार (सी.ओ.ए.) को जहाँ कहीं उपरोक्त सरकारी या निजी व्यक्तियों के सम्पर्क में आया है, वे तत्पश्चात् (सी.ओ.ए.) के लिये पुनः कार्य के लिये तैयार हो सकें। यह २००८ के संवत्सर अगस्त माह से लागू होगा।)

Civil Surgeon

Civil Surgeon

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Name of appointee and Scale of pay	Whether substantive or officiating	If officiating, state the appointing authority	Pay in substantive appointment	Additional pay for officiating	Other emoluments falling under the term pay	Date of appointment	Signature of the Head of the Office or other appointing Officer	Reason of termination (Such as Promotion, dismissal, etc.)	Date of termination of appointment	Signature of the Head of the Office or other appointing Officer	Signature of the Head of the Office or other appointing Officer	Signature of the Head of the Office or other appointing Officer	Reference to the record of the appointee or to the record of the Office
Mr. J. C. Sharma	Substantive	Mr. J. C. Sharma	Rs. 1000/-	Rs. 1000/-	Rs. 1000/-	1/1/50	Mr. J. C. Sharma		1/1/50	Mr. J. C. Sharma	Mr. J. C. Sharma	Mr. J. C. Sharma	Mr. J. C. Sharma
Mr. J. C. Sharma	Substantive	Mr. J. C. Sharma	Rs. 1000/-	Rs. 1000/-	Rs. 1000/-	1/1/50	Mr. J. C. Sharma		1/1/50	Mr. J. C. Sharma	Mr. J. C. Sharma	Mr. J. C. Sharma	Mr. J. C. Sharma
Mr. J. C. Sharma	Substantive	Mr. J. C. Sharma	Rs. 1000/-	Rs. 1000/-	Rs. 1000/-	1/1/50	Mr. J. C. Sharma		1/1/50	Mr. J. C. Sharma	Mr. J. C. Sharma	Mr. J. C. Sharma	Mr. J. C. Sharma
Mr. J. C. Sharma	Substantive	Mr. J. C. Sharma	Rs. 1000/-	Rs. 1000/-	Rs. 1000/-	1/1/50	Mr. J. C. Sharma		1/1/50	Mr. J. C. Sharma	Mr. J. C. Sharma	Mr. J. C. Sharma	Mr. J. C. Sharma

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Name of appointee and Scale of pay	Whether substantive or officiating	If officiating, state the appointing authority	Pay in substantive appointment	Additional pay for officiating	Other emoluments falling under the term pay	Date of appointment	Signature of the Head of the Office or other appointing Officer	Reason of termination (Such as Promotion, dismissal, etc.)	Date of termination of appointment	Signature of the Head of the Office or other appointing Officer	Signature of the Head of the Office or other appointing Officer	Signature of the Head of the Office or other appointing Officer	Signature of the Head of the Office or other appointing Officer	Reference to the record of the appointee or to the record of the Office
Mr. J. C. Sharma	Substantive	Mr. J. C. Sharma	Rs. 1000/-	Rs. 1000/-	Rs. 1000/-	1/1/50	Mr. J. C. Sharma		1/1/50	Mr. J. C. Sharma	Mr. J. C. Sharma	Mr. J. C. Sharma	Mr. J. C. Sharma	Mr. J. C. Sharma
Mr. J. C. Sharma	Substantive	Mr. J. C. Sharma	Rs. 1000/-	Rs. 1000/-	Rs. 1000/-	1/1/50	Mr. J. C. Sharma		1/1/50	Mr. J. C. Sharma	Mr. J. C. Sharma	Mr. J. C. Sharma	Mr. J. C. Sharma	Mr. J. C. Sharma
Mr. J. C. Sharma	Substantive	Mr. J. C. Sharma	Rs. 1000/-	Rs. 1000/-	Rs. 1000/-	1/1/50	Mr. J. C. Sharma		1/1/50	Mr. J. C. Sharma	Mr. J. C. Sharma	Mr. J. C. Sharma	Mr. J. C. Sharma	Mr. J. C. Sharma
Mr. J. C. Sharma	Substantive	Mr. J. C. Sharma	Rs. 1000/-	Rs. 1000/-	Rs. 1000/-	1/1/50	Mr. J. C. Sharma		1/1/50	Mr. J. C. Sharma	Mr. J. C. Sharma	Mr. J. C. Sharma	Mr. J. C. Sharma	Mr. J. C. Sharma

कार्यालय सिविल सर्जन सह मुख्य अस्पताल अधीक्षक नरसिंहपुर

अधिक भुगतान का वसूली पत्रक

डॉ. एस.सी. यादव चिकित्सा अधिकारी जिला चिकित्सालय नरसिंहपुर
का दिनांक 26/08/2008 से 31/07/2015 का अधिक भुगतान की 12 % की दर से ब्याज सहित वसूली पत्रक

26-08-2008 To 31-05-2011	43870	0	43870	0	43870
2011 To 2012	43870	112053	155923	6385	162308
2012 To 2013	162308	142773	305081	20905	325986
2013 To 2014	325986	144378	470364	40562	510926
2014 To 2015	510926	144936	655862	62760	718622
01-04-2015 To 31-07-2015	718622	50300	768922	86738	855660

सह मुख्य अस्पताल अधीक्षक नरसिंहपुर
डॉ. सिविल सर्जन

प्रति,

श्रीमान् सिविल सर्जन सह मुख्य अस्पताल अधीक्षक
जिला चिकित्सालय, नरसिंहपुर

विषय :- पेंशन एवं अन्य लंबित भुगतान ना मिलने के संबंध में।
महोदय जी,

उपरोक्त विषय में निवेदन है, कि मैं डॉ० एस. सी. यादव, जिला चिकित्सालय नरसिंहपुर में सीनियर मेडिकल ऑफीसर के पद पर पदस्थ थे एवं दिनांक 31.07.2015 को मेरी शासकीय सेवा से सेवा निवृत्ती हो चुकी है। परन्तु आज दिनांक तक ना तो मेरी पेंशन का निर्धारण हुआ है और ना ही मेरे अन्य लंबित भुगतान प्राप्त हुए हैं।

दिनांक 04.01.2016 को मेरे किसी भी लंबित देयकों का भुगतान ना करते हुए एवं पेंशन का निर्धारण ना करते हुए एक अधिक भुगतान का वसूली पत्रक आपके कार्यालय द्वारा दिया गया है, जो कि 01.01.1986 का अधिक भुगतान जिस पर की ब्याज की राशि 01.06.2011 से 12 प्रतिशत निर्धारण की गई है, जबकि यह गलती आपके कार्यालय द्वारा की गई है।

मुझे ऐसा प्रतीत होता है, कि सेवा निवृत्ति के बाद मुझे अनावश्यक रूप से प्रताड़ित किया जा रहा है।

अतः निवेदन है, कि आप समस्त अधिक भुगतान का वसूली पत्रक अविलम्ब जारी करे एवं एक सप्ताह के अंदर मेरी पेंशन का निर्धारण करे एवं यदि आप ऐसा नहीं कर पाते हैं तो मैं मजबूर होकर माननीय उच्च न्यायालय में अपना आवेदन प्रस्तुत करूंगा जिसकी जबाबदेही आपकी होगी।
धन्यवाद।

प्रतिलिपि :-

1. माननीय प्रमुख सचिव स्वास्थ्य सेवायें म.प्र. भोपाल की ओर सादर सूचनार्थ।
2. माननीय स्वास्थ्य आयुक्त संचालनालय म.प्र. भोपाल की ओर सादर सूचनार्थ।
3. माननीय संचालक स्वास्थ्य सेवायें जबलपुर की ओर सादर सूचनार्थ।
4. माननीय कलेक्टर महोदय नरसिंहपुर की ओर सादर सूचनार्थ।
5. माननीय मुख्य चिकित्सा एवं स्वास्थ्य अधिकारी नरसिंहपुर को सूचनार्थ

स्थान - नरसिंहपुर

दिनांक

आवेदक

डॉ० एस.सी. यादव

सेवा निवृत्त सीनियर मेडिकल ऑफीसर
जिला चिकित्सालय नरसिंहपुर

12.1.16

संचालनालय स्वास्थ्य सेवायें

मध्यप्रदेश

क्रमांक/4/लीगल/जेवीपी/2016/ पंजी 3/422

भोपाल, दिनांक: 11/03/2016

आदेश

सिविल प्रक्रिया संहिता (1908) अधिनियम संख्या -5 के आदेश के सत्ताईस के नियम 1 तथा 2 के अधीन शक्तियों को प्रयोग में करते हुए मुख्य चिकित्सा एवं स्वास्थ्य अधिकारी, नरसिंहपुर, को उच्च न्यायालय जबलपुर में दायर याचिका न्यायालयीन प्रकरण डब्ल्यू.पी. क्रमांक 1012/2016 शिवचरण यादव, सेवानिवृत्त सीनियर मेडिकल आफिसर, जिला-नरसिंहपुर, विरुद्ध म.प्र. शासन एवं अन्य में म.प्र.राज्य तथा उसकी ओर से प्रभारी अधिकारी के रूप में अभिकथनों पर हस्ताक्षर करने और उन्हें सत्यापित करने के लिये तथा कार्य करने के लिये तथा कार्य करने आवेदन करने उपस्थित होने के लिए नियुक्त करते हैं। प्रभारी अधिकारी को यह आदेश दिया जाता है कि म.प्र.विधि और विधायी कार्य विभाग, नियमावली में वर्णित कर्तव्यों तथा उत्तरदायित्वों के अतिरिक्त वह अपनी नियुक्ति के तुरन्त पश्चात् अन्य शर्तों के साथ ऐसी रीति में जिसके ब्यूरो नीचे दिये हैं, निम्न लिखित कार्य करेगा :-

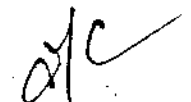
1. प्रभारी अधिकारी, मामले के तथ्यों के बारे में तुरन्त ऐसी जाँच करेगा जैसे कि आवश्यक हो और याचिका में उठाए गए समस्त बिन्दुओं का पैरा अनुसार उत्तर देते हुए और ऐसी अतिरिक्त जानकारी देते हुए, और ऐसी अतिरिक्त जानकारी देते हुए, जिससे कि मामले के संदर्भ में महाधिवक्ता/शासकीय अभिवक्ता को सहायता पहुचाने को संभालना है रिपोर्ट तैयार करेगा। यदि किसी प्रक्रिया पर विधि विभाग से परामर्श लिया गया था तो उस विभाग को राय भी रिपोर्ट में विनिष्ट रूप से निर्दिष्ट की जाए।
2. समस्त सुसंगत फाईल, दस्तावेज, नियम, अधिसूचना तथा आदेश आदि एकत्र करेगा।
3. वादपत्र/याचिका में उठाए गए समस्त बिन्दुओं को पैरा अनुसार उत्तर देते हुए जिससे कि शासकीय अधिवक्ता को सहायता पहुचाने की सम्भावना है, ऐसी अतिरिक्त जानकारी देते हुए एक रिपोर्ट तैयार करेगा।
4. उक्त रिपोर्ट तथा सामग्री के साथ शासकीय अधिवक्ता के संपर्क करेगा।
5. शासकीय अधिवक्ता की सहायता से लिखित कथन/उत्तर तैयार करायेगा।
6. प्रभारी अधिकारी निम्नलिखित कागज पत्र भेजेगा :-
(क) वादपत्र को एक प्रति के साथ सरकार की एक रिपोर्ट।
(ख) प्रस्तावित लिखित कथन का एक प्रारूप।
(ग) उन सभी दस्तावेजों की एक सूची जिन्हें साक्ष्य स्वरूप फाईल करना प्रस्तावित है और जिनको प्रस्तुत रिपोर्ट में अपेक्षा की गई।
(घ) मामले के विशुद्धिकरण के लिए आवश्यक कागज पत्रों का प्रतियों जिसमें वाद सुनवाई की तारीख भी शामिल होनी चाहिए।

क्रमशः (2)

-2-

7. मामले की तैयारी और संचालन करने में शासकीय अधिवक्ता का सहयोग करना और मामले, उसके प्रक्रम और प्रगति में नियत किए गए कर्तव्यों से स्वयं को सदैव ही अवगत करना।
8. जब भी कोई आदेश/निर्णय विशिष्टतया मध्य प्रदेश राज्य के विरुद्ध पारित किया जाता है जब विधि विभाग को सूचित करना तथा उसकी प्रमाणित प्रति प्राप्त करने के लिए उसी दिन या आगामी कार्य दिवस को आवेदन करना।
9. अपनी रिपोर्ट के साथ आदेश/निर्णय की प्रमाणित प्रति तथा शासकीय अधिवक्ता की राय अगली कार्यवाही किए जाने के लिए विभाग को भेजेंगे।
10. यह देखना कि आवेदन करने में तथा प्रमाणित प्रतियाँ प्राप्त करने रिपोर्ट बनाने राय प्राप्त करने और उनकी सूचना देने में समय नष्ट नहीं हो।
11. जैसे हो उसके अपना स्थानांतरित आदेश प्राप्त होता है यह अर्धशासकीय पत्र के माध्यम से तत्काल जानकारी देगा। यह वर्तमान पद का भार सौंपे देने के पश्चात भी तब तक प्रभारी अधिकारी बना रहेगा, जब तक कि अन्य प्रभारी अधिकारी नियुक्त नहीं कर दिया जाए।
12. प्रभारी अधिकारी, मामले तैयार करने में शासकीय अधिवक्ता की हर समय सहयोग देगा तथा इस बात के लिए उत्तरदायी होगा कि कोई महत्वपूर्ण तथ्य को दस्तावेज अप्रति/छुपी हुई ना रह जाये।
13. प्रभारी अधिकारी कार्यदि लोग अभियोजन मुकदर है तो जैसे ही वाद का विनिश्चय होता,परिवत्र की रिपोर्ट विभागाध्यक्ष के माध्यम से सरकार करेगा। निर्णय की एक प्रति भी प्राप्त की जाए और रिपोर्ट के साथ भेजी जाए।
14. प्रभारी अधिकारी यदि लोक अभियोजन मुकदर है तो यह बात के लिए उत्तरदायी होगा कि उन मामलों में जहाँ किसी वाद के क्रम में पारित किए गए किसी अतिरिम आदेश का पुनरीक्षण अप्रेषित है, समय पर कार्यवाही की गई है। अतः एवं वह इस आदेश की प्रति जैसे ही वह पारित किए जाए, विभागाध्यक्ष कृपया माध्यम से अपनी अनुशंसा के साथ सरकार (प्रशासकीय) विभाग को प्रेषित करे।

मध्य प्रदेश के राज्यपाल के नाम से तथा
आदेशानुसार


कृते / सचिव
मध्य प्रदेश शासन

लोक स्वास्थ्य एवं परिवार कल्याण विभाग

क्रमशः (3)

क्रमांक / 4 / लीगल / जेवीपी / 2016 / पंजी3 / 423

भोपाल, दिनांक: 1/03/2016

प्रतिलिपि:- सूचनार्थ एवं आवश्यक कार्यवाही हेतु :-

- 1- महाधिवक्ता कार्यालय, उच्च न्यायालय जबलपुर, (म.प्र.)
- 2- संभागीय संयुक्त संचालक, स्वास्थ्य सेवाएँ, जबलपुर सम्भाग जबलपुर, म0प्र0।
- 3- मुख्य चिकित्सा एवं स्वास्थ्य अधिकारी,.....
- 4- प्रभारी अधिकारी- मुख्य चिकित्सा एवं स्वास्थ्य अधिकारी, नरसिंहपुर, म.प्र. की ओर शासकीय अधिवक्ता से संपर्क करने, उपस्थिति प्रकरण पत्र प्रगति रिपोर्ट प्राप्त करने तथा अपनी प्रत्येक भेट पर शासकीय अधिवक्ता से आगे की कार्यवाही के लिए सलाह करने और मामले में अपनी प्रगति रिपोर्ट के साथ विभागाध्यक्ष को भेजने हेतु अग्रेषित। मामले के प्रगति की प्रति विभाग के साथ साथ विधि विभाग को सदैव ही भेजने चाहिए। आवेदन प्रति इस विभाग को आवश्यक रूप से भेजी जाये। मामले का सुनवाई दिनांक 07/03/2016 को उच्च न्यायालय जबलपुर में नियत थी/ है।

कृते / सचिव

मध्य प्रदेश शासन

लोक स्वास्थ्य एवं परिवार कल्याण विभाग