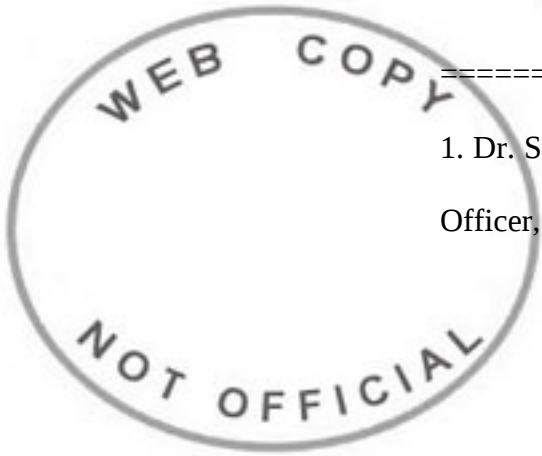


IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15959 of 2014



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1. Dr. Sudhanshu Kumar Verma S/o Sri Prabhash Chandra Verma, Medical Officer, Primary Health Centre, Madhubani, District West Champaran

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Health, Government of Bihar, Patna
2. The Civil Surgeon-cum-Chief Medical Officer, District- West Champaran, Bettiah

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Maharaj

For the Respondent/s : Mr. Sunil Kr. Mandal

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL ORDER

5 19-01-2015 Either the Civil Surgeon does not know law or he has no knowledge of rules and procedure, if not administration. Whether

such a person is required to be posted in the field or not is for the State Government to decide, but from a reading of Annexure-5 it is evident that he has passed the order restraining payment of salary to the petitioner as a measure of punishment without any finding of guilt having been arrived at by the State-respondents.

Many a things have been alleged against the petitioner in the counter-affidavit. Those things do indicate towards some serious omission and commission committed by the petitioner for which even F.I.R. has been instituted. If this be so, those issues should have been taken to its logical end, but instead of doing so, as a knee jerk reaction, the Civil Surgeon cannot take such a decision. His action is not appreciated or certified to be correct merely because of the background under which chargesheet was issued or F.I.R. was lodged against the petitioner.

Salary cannot be stopped without any finding having been arrived with regard to the culpability of the petitioner. From the counter-affidavit it is not known whether the initial chargesheet issued in favour of the petitioner contained in Annexure-I of the counter-affidavit culminated into conclusion of departmental proceeding or the petitioner has also been chargesheeted in the F.I.R. or even held guilty.

In the absence of any law to support such a decision of

stoppage of salary to the petitioner, Annexure-5 dated 18-11-2013 is quashed. The Civil Surgeon is directed to ensure that the petitioner gets his regular salary as well as the arrear of salary since the date such order has been passed i. e., 18-11-2013. The Civil Surgeon is also directed to ensure that the departmental proceeding, if not concluded, is concluded and appropriate decision taken based on the outcome thereof.

This writ application is disposed of.

(Ajay Kumar Tripathi, J)

B.Roy/-

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