

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7801 of 2014

=====

Dr. Sanjay Kumar Kaushik son of Shri Janardan Pandey, resident of Flat No. 3C, Block-B, Anand Shri Apartment, Lohiya Path, Sadikpur, P.S.-Rupaspur, District- Patna

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Animal Husbandry and Fisheries Resources Department, Bihar, Patna
2. Director, Directorate of Animal Husbandry, Bihar, Patna
3. Deputy Secretary, Department of Animal Husbandry and Fisheries Resources, Bihar, Patna
4. Director, Institute of Animal Health AND Production, Bihar, Patna
5. Dr. Dharmendra Singh, son of Late Raghunath Singh, presently posted and working as Institute of Animal Health AND Production, Bihar, Patna

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava
For the Respondent/s : Mr. Prasoon Sinha

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

5 21-07-2015 Heard learned counsel for the parties.

Having regard to the fact that a counter affidavit has been filed on behalf of respondent no.1 stating that the petitioner was deprived from working on account of action/ order of respondent no.5 and that the petitioner has been found entitled for payment of salary part of which has already been paid during the pendency of this writ application, as also admitted by Mr. Abhinav Srivastava, learned counsel for the petitioner, this Court would direct the competent authority to ensure that the remaining payment of salary of the petitioner as is found payable in terms of the decision taken by the Government and its Secretary, must be paid to the



petitioner forthwith and in no event beyond a period of one month from the date of receipt of this order. If any part of the salary of the petitioner is not found payable, at least reasons thereof shall be communicated to the petitioner within the same period of one month.

This Court having been also informed that now respondent no.5 for his obvious and deliberate misconduct has been placed under suspension and has also been subjected to departmental proceeding, would not like to say anything as that may adversely affect him but then this Court in presence of the Departmental Secretary would direct that such departmental proceeding including final order against respondent no.5 must be completed within a period of six months from the date of receipt of this order.

The issue of payment of salary being entirely different to the order of transfer of the petitioner, it will be always open to the respondents to transfer the petitioner and if it has already been done the petitioner must report at the transferred place because at the end of the day the petitioner holds transferable post and the authority of the department has found his continuance alongwith the petitioner to have created administrative problems, this Court is not inclined to interfere with such order of transfer.

With the aforementioned observation and direction, this

application is disposed of.

Personal appearance of Mr. Alok Ranjan Ghosh, the
Departmental Secretary, is hereby dispensed with.

(Mihir Kumar Jha, J)

surendra/-

U			
---	--	--	--