

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16511 of 2015

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Dr. Uma Shankar Madhup, son of Sri Devnandan Ram, resident of Mohalla- Rajiv Nagar, Goshala Road, Siwan, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Under Secretary, Health Department, Government of Bihar, Patna.
4. The District Magistrate, Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate

For the Respondent/s : Mr. Shsshi Shekhar Tiwary, AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 21-10-2016

Heard Mr. Shailendra Kumar Singh, learned counsel appearing for the petitioner and Mr. Shashi Shekhar Tiwary, learned Assisting Counsel to Additional Advocate General No.15 for the State.

In the nature of the order which this Court proposes to pass, I would not be entering into the merit of the case. Suffice it to say that the petitioner is aggrieved by the order of suspension bearing Memo No.814(9) dated 9.9.2015 passed by the State Government under the signature of the Under Secretary, Health Department impugned at Annexure-4.

The order of suspension is resting on the report of the District Magistrate, Supaul which is a part of Annexure-1 and points



out certain irregularities which has led to the order of suspension. The order of suspension conceives of initiation of disciplinary proceeding which, according to Mr. Singh, has already been held and completed and whereafter enquiry report has also been submitted for consideration by the Disciplinary Authority.

The grievance of the petitioner is that although enquiry report was submitted as back as in June, 2016 and a period of almost 4 months has passed but neither any final order has been passed by the Disciplinary Authority nor the suspension has been revoked. In between a peculiar development took place in which the State Government vide order bearing No. 980(9) dated 21.9.2016 issued directions to the Enquiry Officer to enquire into certain fresh allegations of the period 19.8.2010 to 27.1.2012 which did not even form part of the charge-sheet. Apparently the directions were contrary to the statutory provisions as well as the charge memo served and rightly the same has been withdrawn vide letter dated 18.10.2016 of the Under Secretary to the Government in its Health Department.

The situation as it presently stands is that the disciplinary proceeding stands completed and the matter is resting before the Disciplinary Authority for passing final order and a period of almost 4 months has passed.

In the circumstances discussed and having heard learned counsel for the parties, for the present, I deem it fit and proper to disposed of the writ petition with a direction to the Disciplinary Authority to pass final order on the disciplinary proceeding in accordance with law within a maximum period of six weeks from today failing which they should consider the prayer of the petitioner for revocation of suspension and pass appropriate order in that regard, to be passed within the same period.

The writ petition is disposed of accordingly.

Let the letter bearing No.1112(9) dated 18.10.2016 be maintained on the records of the proceedings.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
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