

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20747 of 2014

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1. Arun Kumar Singh son of Late Ramanuj Singh, Resident of Mohalla- Sanjay Gandhi Nagar , East of S.B.D. High School , P.S. Hanuman Nagar, District - Patna, the retired Clerk, Ortho Department , Nalanda Medical College and Hospital , Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Director- in - chief , Health Services, Government of Bihar, Patna.
4. The Director , Health Department , Government of Bihar, Patna.
5. The Superintendent , Nalanda Medical college and Hospital , Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandan

For the Respondent/s : Mr. DEVENDRA KR SINHA

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 11-11-2016

On 20.10.2016 a direction was issued to the State Counsel to revert to this Court and show the law or the rules, which authorizes them to initiate a departmental proceeding by drawing up a charge sheet with regard to unauthorized absence of the petitioner between 2002 to 2004 specially when the petitioner had superannuated on 31.07.2010.

When the matter was taken up yesterday, the Court did not get any response or assistance from the learned A.C. representing the State. His response was that he has written a letter to the authorities. It was in this background that this Court had to order the presence of the senior Law Officer to assist in adjudication of the

matter.

Mr. AAG-15 appears today to defend the State, but has very fairly conceded that in law there is no provision for initiation of a departmental proceeding against a Government employee, who has superannuated and that too for certain omission and commission relating to the year 2002 to 2004 after more than four years of retirement of the petitioner.

If that be so, then it is a misplaced kind of exercise which has been embarked upon by the respondent authorities. They cannot hold any departmental enquiry on this aspect of the matter.

The claim of the petitioner for payment for the period 2002 to 2004 will have, therefore, to be examined in accordance with law and if right of the petitioner flows from the available material then the payments will flow or else the reason for denial will be communicated to the petitioner after due deliberation within a period of three months.

Writ application stands disposed of with the above direction.

(Ajay Kumar Tripathi, J)

Pawan/-

AFR/NAFR	NAFR
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