

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13999 of 2013

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Ram Chandra Paswan, son of late Lakhan Paswan, resident of Village-Baraki
Mahmadpur, P.O. Sabnima, Police Station - Bakhtiyarpur, District - Patna

.... Petitioner

Versus

1. The State of Bihar, through Principal Secretary, Department of Health (Medical Education), Govt. of Bihar, Patna.
2. The Additional Secretary, Department of Health (Medical Education), Govt. of Bihar, Patna
3. The Director in Chief, Health Services, Govt. Of Bihar, Patna.
4. Principal, Patna Dental College and Hospital, Bankipur, Patna.
5. Treasury Officer, Patna.
6. Principal Accountant General (Audit) Bihar, Patna.

.... Respondents

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Appearance:

For the Petitioner/s : None
For the State : Mr. Priyadarshi Matri Sharan, A.C. to A.A.G-15
For the Accountant General (Audit): Mr. Ranjan Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-12-2016

For last two occasions, learned counsel for the petitioner has remained absent. On last occasion, the Court has recorded that if on the next date learned counsel for the petitioner would remain absent, the Court will dispose of the case on its merit.

2. In this writ application, primary relief has been sought for the first, second and third A.C.P.

3. Learned counsel for the State submits that the benefit of first and second A.C.P. has already been given to the petitioner,



but on account of the objection raised by the Accountant General (Audit) the benefit of third A.C.P. has not been given to the petitioner, which has been detailed in paragraph Nos. 6 and 8 of the counter affidavit filed by the Accountant General (Audit), which are as follows:-

“6. That during the course of test check of Service Books and personal files of the employees under the Principal, Dental College and hospital revealed that Shri Ram Chandra Paswan whose date of birth is 6th June, 1952 was appointed as Clerk on 29.03.1976 on the basis of a letter, having following deformities and irregularities, which may not be called the appointment order.

(i) Original letter of appointment was neither available in the office file nor in possession of Shri Paswan himself.

(ii) The entry regarding appointment order No. and date was left vacant in relevant page and column of Service book.

(iii) The letter No. and date of appointment was entered on 06.03.2012 in Service Book and attested by the Principal, Dental College and Hospital, Patna without any authentic documents even not verified with issue register and genuineness of signature of the then



Principal.

(iv) The copy of appointment order was not endorsed to Account Section for making payment of his pay and allowance.

(v) The condition regarding ratification of appointment by the selection Board after appointment was not mentioned in the said appointment order.

(vi) The pay scale of registration clerk as 220-315 was attested on 17.03.1978 and after that entry in regard to appointment letter was noted and attested on 06.03.2012 where Shri Paswan was to be retired shortly on 30.06.2012.

8. That it is respectfully stated that the compliance of the audit objection has been received by Patna Dental College and Hospital vide their letter No.959 dated 21.11.2013 but still two issues namely (a) the verification or original appointment letter and its issuing number date genuineness and (b) the condition regarding ratification of appointment by the Selection Board, were not confirmed and answered.”

4. This objections have to be resolved by the State authorities by giving proper information to the Accountant General (Audit).



5. In such view of the matter, let the State authorities give its reply to the objections raised by the Accountant General (Audit) and resolve the objections within a period of three weeks from today. If the petitioner is found to be entitled to third A.C.P., the same must be given to the petitioner within a period of six weeks thereafter.

6. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	13.12.2016
Transmission Date	

