

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12809 of 2017

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Jaiprakash Narayan, son of late Bhagwat Prasad, Resident of Mohalla-Purandarpur, Ekangarsarai, Nalanda, Police Station- Ekangarsarai, District-Nalanda at Biharsharif.

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Respondent/s : Mr. Rajeshwar Singh-G.A.-10

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 04-09-2017 Petitioner is posted as Clerk in Primary Health Centre, Islampur. He was proceeded departmentally for various omission and commission and was imposed punishment, as contained in memo No. 3277 dated 09.12.2015, issued under the signature of the Civil Surgeon-cum-Chief Medical Officer, Nalanda at Biharsharif, by which he has been awarded punishment of withholding of two increments without cumulative effect and during period of suspension nothing is to be paid except subsistence allowance and recovery of Rs. 3,32,402/- in 48 equal installments from his salary.

2. The petitioner had earlier also filed a writ petition being C.W.J.C. No. 14787 of 2015 against the order of his suspension, but during pendency of writ petition, the departmental proceeding was concluded and he was imposed punishment by the disciplinary authority and as such the writ petition was permitted to be withdrawn with liberty to file an appeal before an appropriate



forum.

3. Against the order of punishment, petitioner filed an appeal before the Director-in-Chief, Health Service. However, no final order has been passed in his appeal.

4. The grievances of the petitioner is that during pendency of appeal the order of recovery has been given effect to and recovery from his salary is being made. The order passed by the disciplinary authority has been given effect to even before conclusion of the appeal. Though a request was made before the appellate authority to stay the order of recovery from the salary of the petitioner during pendency of appeal but no order has been passed and recovery is being made.

5. Considering the submission made by the petitioner, the appellate authority i.e. Director in-chief Health Services, Department of Health, Bihar Patna, before whom the appeal of petitioner is pending, shall decide the appeal of petitioner within one month from receipt/production of copy of this order and if appellate order is not passed in the one month no recovery shall be made from the petitioner till the disposal of appeal by the appellate authority.

6. With the aforesaid direction, this writ petition is disposed of.

(S. Kumar, J.)

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