

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.900 of 2018

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Jawahar Sahu Son of Gauri Sahu Resident of Mohalla- Munna chak Main Gali,
Gate No. 18, Near Rajendra Nagar Station Terminal at ward No. 44, P.S.
Kankarbagh, Distt. Patna-20

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Under Secretary of Government, Health Department, Bihar, Patna.
4. The Special Secretary of Government, Health Department Bihar, Patna.
5. The Civil Surgeon Cum Chief Medical Officer, Samastipur.
6. The S.D.O. Patori, Samastipur.
7. The L.R.D.C. Patori, Samastipur.
8. Dr. Amitabh Ranjan Medical Officer Sub-Divisional Hospital Patori, Samastipur.
9. The Head Clerk of Officer in Charge Sub Divisional Hospital, Patori, Samastipur.
10. The Head Clerk or Officer in charge Civil Surgeon Office, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kishore, Advocate

For the Respondent/s : Mr. Aditya Nath Jha, AC to SC - 18

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 13-07-2018

Heard learned counsel for the petitioner and learned counsel for the State.

In the present writ petition, the petitioner is challenging the order of punishment vide Memo No. 1234 (9) dated 07.12.2017 (Annexure 1) by which he has been inflicted punishment, first is censor and second stoppage of one annual increment with non-cumulative effect and will not be entitled for subsistence allowance during the period of suspension.



The petitioner is a doctor and was posted at Block Shahpur Patori, which was the headquarter. A meeting was fixed on 21.08.2016 under the Chairmanship of Sub Divisional Officer relating to tackling flood problem. The petitioner remained absent without any information and without taking any leave which led to initiation of proceeding against him by issuance of suspension order and followed by a charge-sheet. A show-cause notice was issued to the petitioner. In the charge-sheet it is specifically mentioned that on account of flood, the people of the locality were badly affected and the people were brought to stay at the safe place in a camp created by the Government and after receipt of the show cause the petitioner filed his reply, where the petitioner has taken a plea that he remained absent on account of illness of his wife who was under treatment in the IGMS Hospital and he has also stated that he had filed leave application to the Civil Surgeon-cum-Chief Medical Officer inasmuch as also gave charge to the another doctor.

A report was called from the Civil Surgeon-cum-Chief Medical Officer who submitted the report on 22.08.2018 wherein he has informed the District Magistrate, Samastipur during surprise inspection at Sub Divisional Hospital Shahpur Patori, he found that the petitioner was absent without any valid leave application or without giving any information to him. After consideration of his



reply and report minor punishment has been inflicted.

Learned counsel for the petitioner submits that proper procedure has not been followed as enquiry report was not been given to him as well as the report of the Civil Surgeon was handed over to the petitioner, which appears to be incorrect statement as the petitioner himself attached letter vide memo no. 1245 dated 22.08.2016 which is the report of Civil Surgeon. The stand taken by the petitioner that he had submitted his leave application but the report of Civil Surgeon shows that the petitioner remained absent without any information and without submitting any leave application, during flood period doctors were required for the treatment of citizen but without giving any proper information and without taking leave he left the headquarter which is highly improper.

It was minor penalty proceeding which has been conducted in terms of Rule 19 of the CCA Rules, 2005 and there is no illegality in passing minor punishment.

This Court does not find any merit in this writ petition. It is accordingly dismissed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.7.2018
Transmission Date	NA

