

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9675 of 2018

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Shankar Dayal Singh, Son of Late Ramji Singh, Resident of C/18, Patrakar Nagar,
Police Station-Patrakar Nagar, Post Office-Lohia Nagar, Town and District-Patna-
800020.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health & Family Welfare, Government of Bihar, Patna.
2. The Secretary, Department of Health & Family Welfare, Government of Bihar, Patna.
3. The Director-in-Chief, Health Services, Department of Health & Family Welfare, Government of Bihar, Patna.
4. The Civil Surgeon-Cum-the Chief Medical Officer, Patna.
5. The Medical Officer In-Charge, State Dispensary, Patna High Court, Patna.
6. The Accountant General, Bihar, Patna.
7. Shashi Bhushan, Son of Late Mahavir Prasad, Resident of Renuka Shish Mahal, Pragati Path, New Bengali Tola, P.S. Jakkanpur, Patna.
8. Arvind Kumar, Son of Late Yogendra Prasad, Resident of Village- Baburban, P.S. Bajpatti, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajiv Nayan Singh, Advocate
For the State	:	Mr. Ramadhar Singh, G.P. 25
For the A.G.	:	Mr. Bindhyachal Rai, Advocate
For the Respondents No. 7 & 8	:	Mr. Anuj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 31-10-2018

Heard learned counsel for the petitioner; State;
Accountant General and respondents no. 7 and 8 have assisted the
Court. Respondent no. 4 is also present.

2. In view of the previous orders, multiple affidavits have
been filed on behalf of the parties.

3. The Court had called upon the respondent no. 4
repeatedly to sort out the matter as he was the main functionary who



has the power to do so.

4. The Court records its extreme displeasure at the conduct of the respondent no. 4. Repeatedly and despite indulgence given to him, he has shirked from exercising its responsibility, both to his post as well as towards the Court. At no point of time, the Court finds that there has not been any serious effort by him to resolve the issue and he has shown an indifferent approach without showing any interest, as was required of him.

5. The Court, thus, was of the considered opinion that strict order be passed against respondent no. 4 and in fact, a thorough enquiry be conducted against him.

6. At this stage, respondent no. 4 as well as learned counsel for the State drew the attention of the Court to the statement made in paragraph no. 6 of the supplementary counter affidavit filed on behalf of respondent no. 5, which reads as under:

“6. That it is submitted that neither the entire stock of medicine and disposable items nor the concerned entire stock register are available if agreed by respondent no. 4 on the basis of supply challans so brought, it can be presumed that medicines and disposable item supplied to this Dispensary are actually distributed or consumed and in this circumstance only no objection certificate may be issued to the petitioner.”

7. A categorical stand was taken by the respondent no. 4, before the Court that he is agreeable to the suggestion of the



respondent no. 5, as contained in the above quoted paragraph.

8. Learned counsel for respondents no. 7 and 8 submitted that if the position, as on date, is being accepted by the authorities without the petitioner actually handing over the required registers/stocks, at least they should not be held responsible for any documents/registers/stocks which were not handed over to them by the authorities, including the petitioner.

9. On a query of the Court to respondent no. 4 about his response, he fairly stated that the respondents no. 7 and 8 cannot be made responsible for any thing which they had specifically not taken charge of and, thus, they are responsible only for what they have actually taken charge of.

10. Having regard to the aforesaid, the writ petition stands disposed off with a direction to the authorities to take action in terms of the aforementioned averment made in paragraph no. 6 of the supplementary counter affidavit filed on behalf of respondent no. 5 in the present proceeding. Let the same be done expeditiously so as to ensure that the admitted retiral dues to the petitioner, in accordance with law, is paid to him within three months from today.

11. As the order has been passed on the basis of the stand taken by the respondent no. 4 himself before the Court and also sufficient time has been given, that too, on the basis of what was



asked for by the respondent no. 4, the Court would only observe that any non compliance of the same, including the time frame, shall result in serious consequences.

12. Personal appearance of the respondent no. 4 stands dispensed with.

(Ahsanuddin Amanullah, J.)

P. Kumar

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