

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7370 of 2017

1. Bibha Kumari, D/o Ramji Mahato, Resident of Village- Darigara,
P.S.- Amarplur (Mehdi Chak) District- Lakhisarai.
2. Swarnlata Kumari, D/o Haridev Prasad, Resident of village-
Khandpura, P.S.- Khandplura, District- Shekhpura.

... .. Petitioners

Versus

1. The State of Bihar.
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 Regional Deputy Director, Health Services, Bhagalpur Division,
Bhagalpur.
6. The District Magistrate, Bhagalpur, District- Bhagalpur.
7. The Civil Surgeon-cum-Chief Medical Officer, Bhagalpur.
8. The Additional Chief Medical Officer (A.C.M.O.), Bhagalpur.
9. The District Immunization Officer, Bhagalpur.
10. The Incharge Medical Officer, Primary Health Centre Jagdishpur, District-
Bhagalpur.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Neerad Prashar, Advocate Mr. Arijeet Kumar Mitra, Advocate
For the Respondent/s	:	Mr. Ajay Behari Sinha-GA-8 Mr. Suryakant Kumar, A.C. to G.A.-8

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 31-08-2018

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

In this case, the petitioners are raising grievance
with respect to their transfer as well as the order of punishment



which has been inflicted upon them.

The petitioners are working as A.N.M., they were transferred from Jagdishpur in the district of Bhagalpur to Gopalpur and Rangra respectively, which also fall in the district of Bhagalpur. The transfer was made on account of fact that the petitioners were found misbehaving with Officer In-charge, Primary Health Centre, failure to discharge their official duty, putting hurdle in execution of official work and failure to achieve target. The petitioners have refused to receive the transfer orders. Whereafter, the relieving orders were sent to their permanent address, but the same has also not been received by the petitioners and ultimately, they did not join new place of posting and remained absent unauthorisedly, on that account, they were put under suspension vide order no.1150 dated 14.03.2014 and the headquarter was made at Primary Health Centre, Sanhaulla, District- Bhagalpur. The suspension order was also sent to their residential address, even then they have not received the suspension order and the same was returned as unserved. For that a proceeding was initiated against the petitioners and two punishments have been inflicted upon them i.e. they will only be entitled to the subsistence allowance during the period of suspension, warning and stoppage of two



increments with cumulative effect.

Learned counsel for the petitioners submits that the petitioners have already joined the new place of posting and they have been discharging their duties. He further submits that the petitioners have already filed a representation before the competent authority against their transfer.

Let the competent authority consider and decide the representation(s) filed by the petitioners with respect to their transfer without unnecessary delay. As has been stated that the order of punishment is appealable one, the petitioners, if so like, may file appeal before the appellate authority against their punishment order.

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

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	04.09.2018
Transmission Date	N/A.

