

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4995 of 2019

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Dr. Ram Krishna Singh, Son of Late Ramawatar Singh, Resident of village-
Dehri -on-sone, P.O.- Dalmia Nagar, PS- Dehri-on-sone, District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The State of Bihar, through the Principal Secretary, Health Department,
Govt. of Bihar, Patna.
3. The District Magistrate, Aurangabad
4. The Civil Surgeon Cum- Chief Medical Officer, Aurangabad.
5. The Incharge, Medical Officer, Primary Health Centre, Barun, Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar Advocate Ms. Ritika Kumari Advocate
For the Respondent/s	:	Mr. Madhaw Pd. Yadaw SC-23

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 02-04-2019

Heard the learned counsel for the petitioner and the

State.

The petitioner is aggrieved by the order dated

01.09.2018 passed by the Civil Surgeon-cum-Chief Medical

Officer, Aurangabad, whereby the prayer made on behalf of the

petitioner has not been acceded to.

It has been submitted on behalf of the petitioner that

in fact the core/major issue raised before the Chief Medical



Officer-cum-Civil Surgeon, Aurangabad has not at all been adverted to and the order has been passed on ancillary issues.

It is the case of the petitioner that for several years since 2001, the petitioner has been discharging his duties as a Medical Officer at Barun. In the year 2015, he was transferred to another place but such order of transfer was stayed in a composite manner. It had so happened that the Civil Surgeon-cum-Chief Medical Officer who had ordered the transfer of the petitioner had passed several such orders while he was on his way out. Hence, all the transfers made after 01.07.2015 was stayed by the order dated 25.08.2015. Thereafter, it has been submitted that the petitioner without being relieved from performing at Barun where he had been working since 2001, was deputed to two other primary health centres and was asked to discharge his duties there also as stop-gap arrangement. Thus, at no point of time, the petitioner was transferred from Barun. In the aforesaid circumstances, the salary of the petitioner could not have been denied or withheld on the ground that he did not hand over the charge from



01.01.2016 to a particular date which has not specifically been assigned / stated in the writ petition.

The aforesaid issue, though has been raised in the representation before the Chief Medical Officer-cum-Civil Surgeon, Aurangabad, but has, as has already been noted, not been adverted to.

It may also be noted that the petitioner had earlier preferred a writ petition before this Court seeking redressal of his grievances and direction for payment of his salary which was withheld from him. This Court vide order dated 19.02.2018 passed in C.W.J.C. No. 12097 of 2017, had directed the petitioner to make a detailed representation and a further direction to the Chief Medical Officer-cum-Civil Surgeon, Aurangabad to dispose off such representation by a reasoned order.

This Court, on finding the order passed by the Chief Medical Officer-cum-Civil Surgeon, Aurangabad, to be absolutely deficient so far as the main issue is concerned, considers it appropriate to set it aside as unsustainable.



The petitioner is directed to place a copy of this order before the Chief Medical Officer-cum-Civil Surgeon, Aurangabad, within a period of three weeks from today, who on receipt of the same, shall pass a fresh order, answering to the charges or grounds raised in the aforesaid representation, within a further period of four weeks thereafter.

With the aforesaid observation / direction, this petition stands allowed and disposed off.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	04.04.2019
Transmission Date	

