

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.910 of 2018

In

Civil Writ Jurisdiction Case No.14116 of 2016

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Bhuvaneshwar Prasad Srivastava Son of Late Ram Lakhan Prasad resident of
Village - Damodarpur, P.S. - Malahi, Dist - East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Department
Government of Bihar Namely R. K. Mahajan
2. The Director in Chief Health Services Govt. of Bihar, Patna namely Sri
Chandra Mohan Jha
3. The Regional Deputy Director, Tirhut Commissioner, namely Vijay Kumar
Singh
4. The Civil Surgeon, East Champaran namely Prashant Kumar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Upadhyay, Adv.

For the Opposite Party/s : Mr.Suryadev Yadav - AAG 9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 15-05-2019 By the order passed by this Court on the writ petition

arising from C.W.J.C. No.14116 of 2016 the disciplinary
authority was directed to conclude the proceeding within a
period of 3 months of receipt/production of a copy of the
judgment. The Court while taking notice of the superannuation
of the petitioner allowed the disciplinary authority to take a
decision whether or not to continue with the proceeding in
question, considering the superannuation of the petitioner and
for taking a final decision thereon within a period of 3 months
of receipt/production of a copy of the judgment. It is acting in



purported compliance of the direction of this Court that a punishment order is passed by the Director in Chief, Health Services whereby he has forfeited hundred percent of the pension and gratuity of the petitioner while observing that the proceeding initiated under the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 had been converted into a proceeding under Rule 43(b) of the Bihar Pension Rules, 1950.

Though Mr. Mithilesh Kumar Upadhyay learned counsel for the petitioner informs that an appeal against such order had been filed but I would leave it open for the petitioner to take proper recourse of remedy that may be available to him in law to question the punishment order as advised.

With the observations above, the contempt application is disposed of.

(Jyoti Saran, J)

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