

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7121 of 2019

=====

Ram Narayan Mistri Son of Late Jawahar Mistri Resident of Village-
Chiraiyatar, Postal Park, Road No.3, P.S.-Jakkanpur, Distt.-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Health Services, Government of Bihar, Patna.
3. The Director in Chief, Health Services, Government of Bihar, Patna.
4. The Civil Surgeon, Jehanabad.
5. The Deputy Director Health Services, Government of Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Respondent/s : Mr. S.D. Yadav (AAG-9)

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 30-04-2019 Heard the learned counsel for the parties.

The petitioner has approached this Court for a direction to the authorities for releasing payment to him for the period that he has worked i.e. 1993 to 2000.

The petitioner was one of the appointees in the Tuberculosis Centre and at the relevant time, one Dr. A. A. Mallick was the Director of the Tuberculosis Centre. All the appointments made by him were under suspicion and most of the employees, whose appointment letters were issued by the aforesaid Director of the Tuberculosis Centre, was terminated, giving rise to a spate of litigation before this Court as well as the Supreme Court.



Finding that such appointments were made by the Director in breach of and violating all rules of appointment, no interference was made with respect to such termination orders.

From the counter affidavit, it appears that a criminal case also has been lodged against the petitioner on the charge of his having withdrawn the salary for the period that he had not worked, in which criminal case, the petitioner has been chargesheeted and cognizance has been taken against him.

The petitioner had approached this Court earlier *vide* C.W.J.C. No. 17736 of 2009 seeking supply of such document on the basis of which it was concluded that the petitioner had withdrawn his salary from 1993-2000 and also sought an explanation, so to say, as to why two of the other employees who were appointed along with him, have not been terminated. This Court *vide* order dated 08.12.2011 refused to go into such disputed questions of fact on vague allegations made by the



petitioner and dismissed the writ petition. The challenge to the aforesaid order passed by the learned single Judge was also dismissed.

The petitioner has approached this Court now for release of salary without any proof/document of the fact that he has worked for such period and that also after 23 years of remaining out of service.

This Court is surprised, nay dismayed, at the filing of the present writ petition when the criminal case with respect to wrong withdrawal of salary is still pending consideration before a competent court of law.

Mr. Vijay Kumar Sinha, learned counsel for the petitioner, after coming to know of the aforesaid facts penned down in the counter affidavit, seeks permission to withdraw this petition.

The petition is dismissed as withdrawn.

(Ashutosh Kumar, J)

krishna/-

U			
---	--	--	--

