

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1731 of 2018

In

Civil Writ Jurisdiction Case No.4919 of 2013

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1. The State Of Bihar.
 2. The Principal Secretary, Health Department, Govt. of Bihar, Patna.
 3. The Additional Secretary, Health Department, Govt. of Bihar, Patna.
 4. The Regional Deputy Director, Health Services, Govt. of Bihar, Patna.
 5. The C.S.-cum- C.M.O., Nalanda.
 6. The Civil Surgeon-cum- Chief Medical Officer, Sasaram, at Rohtas.
 7. The Deputy Secretary, Department of Finance, Govt. of Bihar, Patna.

... .. Respondents-Appellant/s

Versus

1. Pramila Devi Wife of Late Dr. Rajendra Chaudhary R/o Shanti Niketan Colony, Near Bihar College of Pharmacy, New Bailey Road, P.S.-Rukanpura, District- Patna.
2. Arvind Kumar Son of Late Dr. Rajendra Chaudhary R/o Shanti Niketan Colony, Near Bihar College of Pharmacy, New Bailey Road, P.S.-Rukanpura, District- Patna.
3. Tarun Kumar Son of Late Dr. Rajendra Chaudhary R/o Shanti Niketan Colony, Near Bihar College of Pharmacy, New Bailey Road, P.S. Rukanpura, District- Patna.
4. Sanjay Kumar Son of Late Dr. Rajendra Chaudhary R/o Shanti Niketan Colony, Near Bihar College of Pharmacy, New Bailey Road, P.S. Rukanpura, District- Patna.
5. Sunita Kumari D/o Late Dr. Rajendra Chaudhary R/o Shanti Niketan Colony, Near Bihar College of Pharmacy, New Bailey Road, P.S. Rukanpura, District- Patna.
6. Sarita Kumari D/o Late Dr. Rajendra Chaudhary R/o Shanti Niketan Colony, Near Bihar College of Pharmacy, New Bailey Road, P.S. Rukanpura, District- Patna.
7. Renu Kumari D/o Late Dr. Rajendra Chaudhary R/o Shanti Niketan Colony, Near Bihar College of Pharmacy, New Bailey Road, P.S. Rukanpura, District- Patna.
8. Vinit Kumar Son of Late Dr. Rajendra Chaudhary R/o Shanti Niketan Colony, Near Bihar College of Pharmacy, New Bailey Road, P.S. Rukanpura, District- Patna.
9. The Bihar Public Service Commission, Bihar through its Secretary.
10. The Account General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Niraj Kumar AC TO GA 10
For the Respondent/s : Mr. Binod Kumar, Advocate



**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 27-08-2019

Re.: I.A. No.9399 of 2018

Heard learned counsel for the appellant.

There is a delay of 283 days. Even though, we are not inclined to condone the delay, yet in the interest of justice, we find there to be a sufficient cause to condone the same and entertain the appeal on merits.

Interlocutory Application stands allowed.

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The charge against the employee in the disciplinary proceedings culminated in an order of punishment which was based on two separate enquiry reports. The learned Single Judge after having gone through the material on record arrived at the conclusion that the second enquiry report which was taken into account related to an incident of 1991 and the same could not have been a matter of disciplinary proceeding as it was barred by limitation keeping in view the provisions of the Bihar Pension Rules.

We do not find any error in this conclusion drawn by the learned Single Judge, inasmuch as, the second enquiry



which was instituted was in relation to an incident of the year 1991.

Learned counsel for the appellants then contends that so far as the second enquiry is concerned, the same ought to have been taken into consideration keeping in view the nature of the charge and the learned Single Judge having not segregated the same, has committed an error in law.

We do not find any force in this submission, inasmuch as, the order of punishment which was impugned before the learned Single Judge was a composite order and, therefore, the question of segregation did not arise. The learned Single Judge has, therefore, taken a holistic view of the matter in the background that the employee is already dead. We see no reason now to let the matter be reopened on the submissions so raised.

The appeal accordingly lacks merits and is rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

Sunil/-

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