

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7024 of 2017

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Jawahar Lal Biswas, S/o Sri Baldeo Biswas, Resident of Village- Panki, P.S.-
Pranpur, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Health Department, Bihar, Patna.
3. The Director in Chief, Health Service, Government of Bihar, Patna.
4. The District Magistrate, Purnea.
5. The Civil Surgeon cum Chief Medical Officer, Purnea.
6. The Additional Chief Medical Officer, (ACMO), Purnea.
7. The In- Charge Medical Officer, P.H.C., Shree Nagar, Purnea.
8. The Treasury Officer, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate
For the State : Mr. Birju Prasad, GP 13

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 08-06-2020

The matter has been heard *via* video conferencing due
to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Rajesh Kumar Sinha, learned counsel for
the petitioner and Mr. Birju Prasad, learned GP 13 for the State.

3. The petitioner has moved the Court for the following
reilefs:

*“(i) For a direction to the respondent to
pay the arrears of pension, current pension along
with interest @ 9% per annum on delayed payment.*



(ii) To grant exemplary cost or any other relief for which the petitioner is entitled to get in the eye of law.”

4. From the counter affidavit, it appears that though, upon superannuation of the petitioner on 31.01.2013, recommendation for pension and gratuity was also made in his favour and authority issued, but pension has not started for the reason that the Civil Surgeon-cum-Chief Medical Officer, Purnea by order contained in Memo No. 1126 dated 31.03.2013, had already dismissed the petitioner from service, which was a consequence of the finding given by the Single Member Enquiry Committee of Hon'ble Mr. Justice Uday Sinha, a former Judge of this Court, which was set up pursuant to a direction given by a Division Bench of this Court on 11.02.2010 in LPA No. 1623 of 2009. Further, the authorities have also initiated action against the persons responsible for recommending payment of pension and gratuity to the petitioner.

5. In view thereof, the relief prayed for in the present application cannot be granted to the petitioner till the time the order of termination of his service dated 31.03.2013 subsists.

6. Faced with the situation, learned counsel for the petitioner submitted that he may be given permission to assail such termination order.



7. Having regard to the aforesaid, the writ petition stands disposed off with liberty to the petitioner to move before the appropriate forum, in accordance with law, against the order contained in Memo No. 1123 dated 31.03.2013, passed by the Civil Surgeon-cum-Chief Medical Officer, Purnea, by which he has been dismissed from service.

(Ahsanuddin Amanullah, J.)

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