

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1291 of 2023

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Kashi Nath Jha, Son of Late Digambar Jha, resident of Village - Tharhi, P.S. Andhratharhi, District - Madhubani.

... .. Petitioner

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Health and Family Welfare Department, Bihar, Patna.
2. The Director-in-Chief, Health Services, Government of Bihar, Patna.
3. The Joint Director, Health Services, Government of Bihar, Patna.
4. The Regional Dy. Director of Health, Darbhanga Division, Darbhanga.
5. The District Magistrate, Madhubani.
6. The Civil Surgeon-cum-Chief, Medical Officer, Madhubani.
7. The Deputy Superintendent, Sub-Divisional Hospital, Jhanjharpur, Madhubani.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Kripa Nand Jha, Advocate
For the State : Mr. Jitendra Kumar, AC to GA-10

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-04-2023 Heard learned counsel for the petitioner and the State.

2. The petitioner in the present case has prayed for the following reliefs:-

“(i) For issuance of an appropriate direction, order or writ in the nature of certiorari quashing the order dated 28.06.2006 passed by the Director-in-Chief, Health Services, Bihar, Patna, whereby and whereunder the punishment of stopping two annual increment with cumulative effect has been awarded and further the petitioner shall not get any-thing except the subsistence allowance, which was paid to him during the suspension period.

(ii) For further commanding the respondents to alternatively pass the order in his pending appeal, which is pending before the Commissioner-cum-



Secretary, Health and Family Welfare Department,
Bihar, Patna (herein after referred to as Appellate
Authority) against the order of punishment dated
28.06.2006.

(iii) For any other relief or reliefs to which the
petitioners is found entitled to in the facts and
circumstances of the case.”

3. Learned counsel for the petitioner submits that the
petitioner has preferred a departmental appeal vide Annexure
‘10’ of the writ application as back as on 07.09.2006 but the said
appeal is still pending consideration. It is stated that during
pendency of his department appeal, the petitioner has retired
from service on 30.11.2020.

4. Learned counsel for the State submits that he has
presently no instruction as to the pendency of the departmental
appeal but in case such an appeal is pending, an appropriate
direction may be issued to the Appellate Authority to consider
the same and pass a reasoned order.

5. Having regard to the nature of the submissions
recorded hereinabove, this Court is of the considered opinion
that if the appeal as contained in Annexure ‘10’ has remained
pending for all these years and no order has been passed till
date, it would be a case of inordinate delay on the part of the
Appellate Authority in considering the appeal of the petitioner.



6. This Court directs that in case the appeal is still pending, the same be considered and disposed of by a reasoned order within a period of two months from the date of receipt/production of a copy of this order.

7. Respondent No.1 with whom the appeal is said to be pending be informed accordingly.

8. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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