

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13136 of 2017

Dr. Smt. Puspa Sahi W/o Dr. Nawal Kishore Singh, at present Medical Officer
now retired, resident of Mohalla Benta, Lehariasarai, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Principal Secretary, Health Services, Bihar, Patna.
3. Joint Secretary, Health Services, Bihar, Patna.
4. Shri Deepak Kumar, Principal Secretary, Labour and Resources Department-
Cum- Additional Departmenta

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Uma Kant Tiwary, Advocate
For the Respondent/s : Mr.Pankaj Kumar, AC to SC-12

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

9 18-05-2023 Heard the parties.

The petitioner has sought for following reliefs:

(i) an appropriate writ, order or direction declaring the
Departmental Proceeding No.43 of 2013 initiated against the
petitioner as illegal;

(ii) direct the respondents to make payment of her
salary with consequential benefits with statutory interest thereon
from 1993 up to the retirement within a time frame, be issued.

(iii) directing the respondents to make payment of the
retiral benefits including the arrear of pension.

It is unfortunate that the Stamp Reporters are putting
forward the files in a very casual manner as despite the prayer is



for declaring the Departmental Proceeding No. 43 of 2013 initiated against the petitioner as infructuous the same has been clubbed under the heading retiral benefits taking into account subsequent prayer to pay the consequential benefits.

It is to be noted that the petitioner has also preferred CWJC No. 15785 of 2014 (Dr. Smt. Pushpa Sahi) challenging the earlier Departmental Proceeding No. 43 of 2013.

A counter affidavit has been filed by the respondent-State bringing on record, the Notification No. 133 dated 19.02.2018, Memo No. 133(9) dated 19.02.2018 issued under the signature of the Under Secretary by which the petitioner has been dismissed from the service.

It has been contended by the learned counsel for the petitioner that the said order has been challenged by way of I.A. No. 1 of 2019.

The subject matter assigned to this Court is retiral benefits which does not include the departmental proceeding matters.

The petitioner has the option of agitating the matter challenging the order of dismissal dated 19.02.2018 in CWJC No. 15785 of 2014 which is already pending.

In view of the aforesaid facts, this Court does not



deem it fit and proper to continue with the present petition.

The same is accordingly disposal of.

I.A. No. 01/2019

In view of the fact that the present petition stands disposed of, the I.A. No. 01/2019 stands disposed of as infructuous.

The personal appearance of the Joint Secretary, Health Department, Government of Bihar, Patna stands dispensed with.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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