

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9963 of 2023

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Sushil Kumar Son of Khushilal Sah, Resident of Village and P.O.-Vishanpur,
P.S.-Kalyan, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director-in-Chief, Health Department, Bihar, Patna.
2. The Director-in-Chief, Health Department, Governemnt of Bihar, Patna.
3. The Executive Director, State Health Samittee, Bihar, Patna.
4. The Civil Surgeon cum Member Secretary, District Health Samittee, Purnea.
5. The District Magistrate-cum-Chairman, District Health Committee, Purnea.
6. The Incharge Medical Officer, Primary Health Centre, K. Nagar, District-Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms.Sharda Nand Mishra, Adv

For the Respondent/s : Mr. Ajay Behari Sinha (GA-8)

Ms.Kalpana, AC to GA-8

Mr. K.K. Sinha

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 3 10-10-2023 **1.** Heard learned counsel for the petitioner, learned counsel for the State as well as learned counsel for the respondent-Health Society.
- 2.** The petitioner has approached this Court challenging the suspension order dated 26-10-2022.
- 3.** It is submitted by the petitioner's counsel that he



was in jail custody between 23-7-2022 and 2-1-2023. The petitioner was thus suspended under Chapter 8 of Clause 13 of the HR policy.

4. This Court fails to understand how the petitioner is aggrieved by Annexure-3, which he has put to challenge in the instant proceedings. The subsequent development which is borne from the averment made in the writ petition itself is that on 4-1-2023, i.e., 2 days after he was released from prison and after he had submitted his joining, he was required to give an affidavit to the effect that he was not gainfully employed for availing the benefit of subsistence allowance.

5. The petitioner was entitled to avail the subsistence allowance by making an application and submitting an affidavit in terms of the clause 4 of the communication dated 4-1-2023, which, he has chosen not to do. Petitioner is thus deprived of pension due to his own inaction. There is no averment in the writ petition that the requirement, as per clause 4 of letter dated 4-1-2023 (Annexure-5), has ever been complied with by the petitioner so as to enable him to receive subsistence allowance. The petitioner cannot be said to be aggrieved by this subsequent development, being issuance of communication dated 4-1-2023.

6. The writ petition is frivolous and deserves to be



dismissed with costs as it is nothing short of a luxurious litigation.

7. The writ petition is accordingly dismissed. This Court, however, would refrain from imposing any costs.

(Madhuresh Prasad, J)

SUMIT/-

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