

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3071 of 2018

In

Letters Patent Appeal No.472 of 2012

Dr. Chandan Prasad Singh Son of Late Anuranjan Prasad Singh, R/o Mohalla-Kankarbagh, P.S.- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar Through Mr. Sanjay Kumar, The Secretary, Health Medical Education And Family Welfare Department, New Secretariat, Patna
2. Mr. Kaushal Kishore, The Joint Secretary, Administration, Health Medical Education and Family Welfare Department, Govt. of Bihar, New Secretariat, Patna
3. Mr. Sudhir Kumar, the Deputy Secretary-cum-Chief Vigilance Officer, Health, Medical Education and Family Welfare Department, Govt. of Bihar, New Secretariat, Patna
4. Mr. Sudhir Kumar, The Deputy Secretary, Health Department, Govt. of Bihar, Patna.
5. Mr. Dr. R.D. Ranjan, the Director-in-Chief, Health Medical Education and Family Welfare Department, Govt. of Bihar, New Secretariat, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
For the Opposite Party/s : Mr. S. D. Yadav, AAG 9
Mr. B.B. Mishra, AC to AAG 9

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

6 11-07-2023 Pursuant to our earlier order dated 27.06.2023, *Mr. Sanjay Kumar Singh*, Secretary, Health and Medical Education and Family Welfare Department is present in the Court.

2. The present petitioner – *Dr. Chandan Prasad Singh* who was stated to be a Medical Officer, he is before judicial forum for more than one decade. Certain judicial orders which



were passed in favour of the petitioner have not been complied. The last judicial order is of the Apex Court dated 25.10.2021. Thereafter, it was bounden duty of the appointing authority to the petitioner to set right all his service conditions including monetary benefits within a reasonable period of time of three months in the absence of time limit stipulated by the Court. On the other hand, perusal of the records, it is evident that about nine months has been taken to reinstate the petitioner and thereafter, suspension period has not been regulated in accordance with Rule 97 of the Bihar Service Code.

3. Further, fixation of pay and extension of increments is stated to have been extended by means of order dated 26.06.2023. In not regulating the suspension period, we direct the appointing authority to the petitioner to regulate the suspension period in terms of relevant provision of Bihar Service Code. If it is disadvantage to the petitioner, he is at liberty to question such orders in accordance with law.

4. Regulating the suspension period order is to be passed within a period of one week from today and communicate the same to the petitioner at the earliest. In the light of the compliance to the order dated 05.02.2018 passed in L.P.A. No. 472 of 2012 read with order dated 25.10.2021 passed



in S.L.P. (c) No.22017 of 2019 on 04.07.2022 and order of partial compliance dated 26.06.2023, the present M.J.C./contempt proceedings stands dropped reserving liberty to the petitioner to assail the order to be passed by the appointing authority insofar as regulating the suspension period. We are compelled to impose cost of Rs. 50,000/-. Out of Rs. 50,000/-, Rs. 25,000/- shall be paid to the petitioner and remaining Rs. 25,000/- shall be remitted to the Patna High Court Legal Services Committee within a period of four weeks from the date of receipt of this order for the reasons that inordinate delay in settling the petitioner's monetary dues and non-compliance of Court orders within a reasonable period of time with reference to date of disposal of L.P.A. and S.L.P. cited *supra*.

5. Even though compliance order is there, actual/physical payment has not been made to the petitioner, the same shall be undertaken within a period of one week.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

GAURAV S./-

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