

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3481 of 2024

Dr. Sachchidanand Ojha S/o Late Durga Ojha Resident of Village- Khabra
P.O.-Khabra, P.S.-Sadar, District-Muzaffarpur, State-Bihar, PIN-843146.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Health Department, Bihar, Patna.
3. The Director, Aayush, Health Department, Bihar, Patna.
4. The Joint Secretary of Government, Health Department, Bihar, Patna.
5. The Special Executive Officer, Health Department, Bihar, Patna.
6. The Under Secretary of Health Department, Bihar, Patna.
7. The Additional Secretary Health Department, Bihar, Patna.
8. The In-Charge Principal, Government RBTS Homeopathic Medical College and Hospital, Muzaffarpur.
9. The Director General Aayush Directorate, Bihar, Patna.
10. The Special Secretary-Cum-Executive Director, State Aayush Committee, Bihar, Patna.
11. The Executive Director, State Aayush Committee, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Nalin Kumar, Advocate
For the State	:	Mr. Rajeshwar Singh, GA-10
		Mr. Jitendra Kumar, AC to GA-10

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-03-2024 The present writ petition has been filed seeking the following reliefs:-

“(i) For issuance of Writ in appropriate nature for quashing Memo No. - 490 dated 29-05-2023 issued under the signature of the Joint Secretary of the Government, Health Department, Bihar, whereby and whereunder after the superannuation / retirement of the Petitioner; even without taking resort of the Rule 43(B) of the Bihar



Pension Rules, the Respondent authorities initiated departmental proceeding against the Petitioner and further also prayer for the quashing of the Charge-Sheet under Rule 17(3) of the Bihar CCA Rules, 2005;

(ii) Or for issuance of Writ in appropriate nature for directing and commanding the Respondent authorities to conclude the Departmental Proceeding conducting against the Petitioner within reasonable time-frame, as per the mandate of the Letter No. 2763 dated 26-02-2014 issued by the General Administrative Department, Government of Bihar;

(iii) For issuance of Writ in appropriate nature for directing and commanding the Respondent authorities to allow the remaining 10% of Pension; and also make payment of the withhold amount of EL of 300 days & entire amount of Gratuity in favour of the Petitioner.”

2. At the outset, the learned counsel for the petitioner submits that despite the petitioner having retired on 30.11.2022 and a departmental proceeding having been purportedly initiated under Rule 43(b) of the Bihar Pension Rules, 1950 on 29.05.2023, the same has not yet stood concluded, hence appropriate direction be issued to the disciplinary authority to conclude the pending departmental proceeding expeditiously.

3. The learned counsel for the respondent-State submits that in case the departmental proceeding is still pending qua the petitioner herein, the same would definitely be disposed



off, within a stipulate time frame, as directed by this Court.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the disciplinary authority to dispose off the aforesaid pending departmental proceeding qua the petitioner herein, within a period of three months from today, failing which the same shall stand abated.
5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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