

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 7479 of 2023

Dr Biltyoo Paswan Rtd Civil Surgeon-Cum-Chief Medical Officer, aged about 69 Years, Gender-Male, Son of Late Madari Paswan, Resident of Village-Chhapki Padri, P.O.-Laxmi Sagar, P.S.-Sadar, Dist.-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary department of Health, Govt. of Bihar, Patna.
2. The Special Secretary, Govt. of Bihar, Patna.
3. The Joint Secretary, Govt. of Bihar, Patna.
4. The Joint Secretary, Department of Health, Govt. of Bihar, Patna.
5. The Additional Secretary, Department of Health, Govt. of Bihar, Patna.
6. Director-in-Chief Health Service, Govt. of Bihar, Patna.
7. The Joint Director, Health Service, Govt. of Bihar, Patna.
8. The Additinal Director-Cum-Conducting Officer, Health Service, Govt. of Bihar, Patna.
9. The Regional Deputy Director, Health Service, Tirhut Division, Muzaffarpur.
10. The Civil Surgeon-Cum-Chief Medical Officer, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Sunil Kumar, Advocate
For the Respondent/s : M/s Ravi Kr, Ajit Anand, ACs to GP XIII

CORAM: HONOURABLE MR JUSTICE NANI TAGIA

ORAL ORDER

4 29-01-2024 Heard Mr Sunil Kumar, learned counsel for the petitioner and M/s Ravi Kr and Ajit Anand ACs to GP XIII representing the respondents.

2 The petitioner has put to challenge the order dated 13.12.2022 issued by the Special Secretary to the Government of Bihar by his Memo No 975 (9) (Annexure 12 to the writ petition) whereby the petitioner, the then Civil Surgeon-Cum-



Chief Medical Officer and Regional Malaria Officer, Muzaffarpur who retired on 31.01.2022, has been imposed a penalty of permanently deducting amount of 20% from the date of sanction of his pension under Rule 43 (a) of Bihar Pension Rules, 1950. The petitioner contends that the respondent-authorities, while passing the aforesaid impugned order, did not take into account the relevant facts placed by the petitioner.

3 Against the aforesaid impugned order, an appeal/application, as per the provision of Bihar Pension Rules, 1950 is stated to have been preferred by the petitioner before the Additional Chief Secretary, Health Department, respondent No 1 on 13.12.2022 (Annexure 13 to the writ petition) which, according to the petitioner, however, has not yet been disposed of by the appellate authority.

4 In the counter affidavit filed, the State respondents have not denied the filing of an appeal/application by the petitioner, as above.

5 Under the circumstances, since the statutory appeal, preferred by the petitioner is yet to be disposed of by the appellate authority, this writ petition, with the consent of learned counsel appearing for the parties, is hereby disposed of with direction to respondent No 1, namely, the Additional Chief



Secretary, Health Department, Government of Bihar to consider and dispose of the appeal/application preferred by the petitioner dated 23.12.2022 as expeditiously as possible and in any case not later than one month from the date of receipt of a copy of this order.

(Nani Tagia, J)

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