

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1624 of 2018

In
Civil Writ Jurisdiction Case No.6598 of 2014

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Dr. Jai Prakash S/o Late Omkar Nath Prasad Akhauri, Resident of Mohalla-Yusufganj, P.S. Laheriasarai, District- Darbhanga.

... .. Appellant/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Joint Secretary, Department of Health, Government of Bihar, Patna.
4. The Deputy Secretary, Department of Health, Government of Bihar, Patna.
5. The Civil Surgeon-cum- Chief Medical Officer, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Tiwari, Advocate
For the Respondent/s	:	Mr. S.D. Yadav, AAG 9
		Mr. Anil Kumar Verma, AC to AAG 9

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

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

Date : 15-05-2024

The appellant has assailed the order of the learned Single Judge dated 16.08.2018 passed in CWJC No. 6598 of 2014. Appellant – *Dr. Jai Prakash* is stated to have remained absent from 12.12.2000 to 06.12.2010 for almost one decade on the assertion that he was suffering from certain illness. Departmental inquiry is stated to have been initiated on 03.11.2011. In the meanwhile, he had submitted representation / application for voluntary retirement



on 18.02.2010 which was rejected on 13.07.2010. Thereafter, it was affirmed by the judicial forum, resultantly the petitioner has filed CWJC No. 6598 of 2014 seeking arrears of salary for the period from 12.12.2000 till joining on 06.12.2010.

2. Taking note of the final order to be passed in the departmental inquiry and how to regulate the intervening period from 12.12.2000 to 06.12.2010 under Bihar Service Code, the appellant is not entitled to any relief for the aforementioned period. The appellant has not sought for any subsistence allowance from 06.12.2010 onwards. The appellant has not apprised this Court with a specific prayer that he is entitled to certain monetary benefits after 06.12.2010. In the absence of specific application / demand before the competent authority, CWJC No. 6598 of 2014 and present appeal is not maintainable insofar as seeking any claim of monetary benefits beyond 06.12.2010. Therefore, the appellant has not made out a case so as to interfere with the order of the learned Single Judge dated 16.08.2018.

3. With the above observation, the present LPA stands disposed of.

4. Having regard to the fact that departmental inquiry is pending consideration for more than one decade, the disciplinary authority and competent authority – State Government shall take



note of and give quietus to the departmental inquiry after due following the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 read with Bihar Pension Rules, and Bihar Service Code.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
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