

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3847 of 2010

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Krishna Bihari Nirmal S/o Late Ram Lakhan Prasad Singh, resident of Village and P.O. Karai Parsurai, P.S. Karai Parsurai, District - Nalanda, at present posted as Clerk in the office of Regional Deputy Director, Health, Pana.

... .. Petitioner.

Versus

1. The State of Bihar through the Secretary, Health Department, Govt. of Bihar, Patna.
2. Principal Secretary, Health Department, Govt. of Bihar, Patna.
3. Director -in-Chief, Health Services, Bihar, Patna.
4. Regional Deputy Director of Health, Gaya.
5. Regional Deputy Director, Health, Patna.
6. Civil Surgeon -cum-Chief Medical Officer Jehanabad.

... .. Respondents.

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Appearance :

For the Petitioner	:	None.
For the State	:	Mr. Niraj Kumar, AC to GA-10.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 12-01-2024

None appears for the petitioner.

2. In the instant writ petition, the petitioner has prayed for the following relief(s):

“ For issue of an appropriate writ granting following reliefs to the petitioner:-

(i) The order bearing No.1785(4) dated 19.11.09 passed by respondent No.3 be quashed in entirety.

(ii) After quashing of order No.1785(4) dated 19.11.09 it be further directed that the petitioner is entitled for continuity of service all through with full salary and



other consequential benefits even during the pendency of the departmental proceeding and/or for the period of suspension and the same be allowed in favour of the petitioner.

(iii) The respondents be commanded/directed to pay the arrears of salary with all consequential monetary benefits to the petitioner forthwith with 18% interest per annum thereon since the date of its accrual till the date of actual payment.

(iv) The respondents be further commanded not to harass and persecute the petitioner for no reason and the respondents be further directed to compensate the petitioner by paying a cost of Rs.50,000/- by way of compensation for all the monetary and physical agony suffered by the petitioner for persecutive and harassive acts perpetrated by the respondents upon the petitioner.

(v) Any other relief or reliefs the petitioner be found entitled to be granted to him.”

3. The petitioner was placed under suspension followed by departmental inquiry on the alleged allegation relating to certain irregularities in purchase of medicines while



he was holding the post of Store-Keeper. The petitioner has not exhausted the remedy of appeal before the appellate authority against the penalty order dated 19.11.2009. Be that as it may, having regard to the fact that the present writ petition is admitted for hearing, such an issue cannot be examined.

4. Perusal of the pleadings, the petitioner has taken contention that he has not been issued show cause along with the charge memo seeking his explanation. On this point, the petitioner has not questioned the validity of the charge memo so as to interfere to the extent that there was no show cause along with charge memo seeking petitioner's explanation. On the other hand, he has surrendered his right before the inquiring authority and participated in the inquiry.

5. The petitioner has taken yet another ground that the penalty order is a non-speaking order. Perusal of the penalty order dated 19.11.2009, it is evident that show cause notice along with the reply filed on behalf of the petitioner has been taken note of while imposing penalty. Therefore, there is no infirmity in the penalty order.

6. The petitioner has stated that he was placed under suspension and it was subject matter of litigation before this Court. He has also stated that in respect of medical scam in



Jehanabad inquiry was stated to have been held by the C.B.I. in which the petitioner was not involved. Such statement or contention is not relevant to the case in hand.

7. In view of these facts and circumstances, the petitioner has not made out a case so as to interfere with the impugned penalty order. Accordingly, the present writ petition stands dismissed.

(P. B. Bajanthri, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.01.2024.
Transmission Date	NA

