

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15218 of 2024

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Vijay Kumar S/o Late Lale Singh, Resident of Village - Kirtipur, P.O. - Sinawa, P.S.- Parwalpur, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna, Bihar.
2. The Additional Chief Secretary, Department of Health, Government of Bihar, Patna.
3. The Director in Chief, Health Services, Bihar, Patna.
4. The Director in Chief (Administration), Health Services, Bihar, Patna.
5. The Divisional Commissioner, Koshi Division, Saharsa.
6. The Regional Additional Director, Health, Koshi Division, Saharsa.
7. The Regional Deputy Director, Health Services, Koshi Division, Saharsa.
8. The District Magistrate, Madhepura.
9. The Civil Surgeon cum Chief Medical Officer, Madhepura.
10. The Accountant, Sadar Hospital, Madhepura.
11. Dr. Hari Nandan Prasad, the then posted as the Additional Superintendent-cum-Assistant Chief Medical Officer, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amit Pandey, Adv.
For the Respondent/s : Mr.Advocate General

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 07-10-2024 The petitioner was appointed as Lab Technician at Sadar Hospital, Madhepura on 15th March, 1991. He was duly promoted, considering his satisfactory service, in the higher post and subsequently he superannuated on 31st May, 2024.

2. During his tenure, on the allegation, that he failure to deposit the processing fee, collected against the selling of blood from the Blood Bank, with the Government and thereby



misappropriated a sum of Rs. 5,77,000/-(Five lakh seventy seven thousand). On the said allegation, a departmental proceeding was initiated and the Disciplinary Authority passed an order to the effect that the said amount of Rs. 5,77,000/-(Five lakh seventy seven thousand) would be recovered from the petitioner. The said order was passed on 24th May, 2017.

3. Assailing the said order, petitioner filed a Statutory Appeal on 4th July, 2017, before the Director-in-Chief, Health Services, Bihar, Patna, respondent no. 3 herein. It is unfortunate to note that the said Statutory Appeal is still pending for last seven years.

4. The Appellate Authority is directed that under the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005, dispose of the Statutory Appeal within six months from the date of its filing.

5. The petitioner submitted series of representations, last one of which is on 10th of June, 2024, through his learned Advocate. In spite of such representations, the Director-in-Chief, Health Services, Bihar, Patna, respondent no. 3, failed and neglected to dispose of the Statutory Appeal.

6. For the reasons stated above, the instant writ petition is disposed of directing the Director-in-Chief, Health



Services, Bihar, Patna, respondent no. 3, to dispose of the Statutory Appeal filed by the petitioner on 4th July, 2017, within 60 days from the date of this order, by passing a reasoned and speaking order, in accordance with law, after giving an opportunity to the petitioner or his learned counsel of being heard.

7. With the above order, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

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