

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10182 of 2025

Dr. Krishna Prasad Modi, @ Krishna Prasad Modi Son of Late Narayan Modi, resident of Mohalla Line Bazaar, P.S.- Khat, in front of Sadar Hospital, Purnia District, Bihar- 854301.

... .. Petitioner/s

Versus

1. The State of Bihar Through Chief Secretary, Government of Bihar Secretariat, Patna- 800015, Bihar.
2. The Additional Chief Secretary, Health Department, Government of Bihar Vikas Bhawan, Secretariat, Patna - 800015, Bihar.
3. The Director- in-Chief, Health Services, Government of Bihar New Secretariat, Patna- 800015, Bihar.
4. The Civil Surgeon-cum-Chief Medical Officer, Kisanganj, District Bihar.
5. The Accountant General, (A and E) Bihar Mahalekhakar Bhawan, Beer Chand Patel Path, Veer Chand Patel Road Area, Patna, Bihar 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Harsh Kaushal, Adv.
For the Respondent/s	:	Mr. Advocate General, Adv.
For the A.G.	:	Mr. Dr. Anand Kumar, Adv.
		Mrs. Vijeta Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 03-07-2025 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Accountant General, Bihar, Patna.

2. The petitioner has filed the present writ petition for the following relief(s):

i. "For quashing and setting aside the impugned order bearing Memo No. 442(3) dated 23.08.2022, issued by the Respondent No. 2, rejecting the petitioner's claim for annual increments during the suspension period (22.12.1995). The said order is legally untenable as it fails to comply with the directives in CWJC No. 7392/2021, which mandates a reasoned speaking order, thereby violating the principles of natural justice and administrative discretion.



ii. For directing Respondent No. 2 to grant the petitioner the three withheld increments, denied solely on account of a punishment of warning issued vide Memo No. 672(18) dated 03.05.1999. The denial of these increments contradicts settled legal principles, where it is settled that increments cannot be arbitrarily withheld when the suspension does not result in a major penalty.

iii. For direction upon the respondents to correctly interpret and apply Rule 85 of the Bihar Service Code, governing salary progression during suspension periods, and ensure that the petitioner's entitlements are duly granted in accordance with service jurisprudence. The petitioner's claim warrants proper adjudication, as the refusal to consider his financial continuity post-reinstatement contravenes well-established legal precedents, which mandates fair treatment in financial entitlements upon reinstatement."

iv. For any other relief or reliefs for which the petitioner be found entitled in the eye of law."

3. Learned counsel for the petitioner submits that the petitioner has moved earlier before this Hon'ble Court in CWJC No. 8843 of 2015. After disposal of the said writ petition, the petitioner filed MJC No. 4132 of 2018, in which, a reasoned order has come. The said reasoned order he has challenged in CWJC No. 7392 of 2021, in which, *vide* order dated 04.01.2022, this Hon'ble Court has pleased to direct to pass a reasoned and



speaking order. Thereafter, Health Department, Government of Bihar has passed a reasoned order on 23.08.2022 in compliance of the order passed by this Hon'ble Court dated 04.01.2022. Counsel further submits that, after a period of about three years, the petitioner has moved again before this Hon'ble Court in the year 2025 by virtue of filing the present writ petition.

4. Learned counsel for the State submits that cause of action has arisen for the petitioner in the month of August, 2022 but he has filed the present writ petition only after a lapse of about three years without explaining anything. He further submits that the decision which has been taken against the petitioner in the departmental proceeding has been challenged in piecemeal which is not permissible in the eye of law.

5. Therefore, this Court is not inclined to interfere in this matter as the cause of action has arisen for the petitioner three years ago but he has moved before this Hon'ble Court in the year 2025. Hence, the present writ petition stands dismissed.

(Dr. Anshuman, J)

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