

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11520 of 2025

=====

Rajiv Kumar Singh @ Rajeev Kumar Singh S/o- Late Laxman Singh, R/o Village- Mahnar, P.S.- Mahnar, District- Vaishali. Presently residing at- Mahamadpur, P.S.- Begusarai Town, District- Begusarai. Working as X-Ray Technician, Community Health Centre, Pakaribarawan, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Health Department, Govt. of Bihar, New Secretariat, Patna.
2. The Additional Chief Secretary, Health Department, Govt. of Bihar, New Secretariat, Patna.
3. The Director-in-Chief, Health Services, Govt. of Bihar, Patna.
4. The Civil Surgeon, Nawada, District Nawada.
5. The In-charge Medical Officer, Community Health Centre, Pakaribarawan, District- Nawada and Referral Hospital Mokama, District- Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Adv.
For the Respondent/s : Mr. Pankaj Kumar Singh, AC to GA-9

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 28-07-2025

Heard the parties.

2. The challenge made in the present writ petition is the order contained in Memo No. 1294(4) dated 28.11.2024 by which even after revocation of suspension, the authorities has denied to pay the salary for suspension period, i.e. with effect from 18.03.2020 to 20.06.2024.

3. Mr. Shashi Bhushan Singh, learned Advocate for the petitioner submitted that it is surprising that with respect to same memo of charge, the petitioner has been subjected to four



departmental proceeding, one after another by putting him under the prolonged suspension. Aggrieved with the order of suspension, the petitioner had earlier moved before this Court in CWJC No. 18359 of 2022 and the Court directed to conclude the departmental proceeding, in question, by passing the final order, either way, failing which the order of suspension of the petitioner shall stand revoked automatically. In the light of the order dated 27.02.2024, passed in the aforementioned case, finally the suspension order of the petitioner stood revoked. But the petitioner has been deprived from the salary of the suspension period for over a period of four years.

4. It is the specific contention of the petitioner that the respondent authorities are lingering over the departmental proceeding(s), which have been commenced long back in the year 2020 and further in the year 2023 and 2024. But none of the departmental proceeding has brought to its logical conclusion. The initiation of one after another departmental proceeding on the same memo of charge is *prima facie* arbitrary and an abuse of the power, at the hand of the disciplinary authority, besides actuated with malice. Moreover, the petitioner has always been ready to participate in the proceeding.

5. On the other hand, learned Advocate for the State



submits that instruction is required as to whether the petitioner has been subjected to departmental proceeding, based upon the same charges or it differs from one another.

6. Considering the submissions set forth and in order to give quietus to the litigation, this Court deems it fit and proper to direct the respondent no. 2 to look into the matter and ensure completion of all the departmental proceeding, preferably within a period of six months, from the date of receipt/production of a copy of this order.

7. It is made clear that the petitioner has also been deprived from the salary for over a period of five years. In the meanwhile, the respondent authorities shall also consider the claim of the petitioner for extending the salary.

8. The writ petition stands disposed off with the aforesaid observation and direction.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.07.2025
Transmission Date	NA

