
(2012) 04 PAT CK 0130
In the Patna High Court
Case No : CWJC No. 20263 of 2011

Dr. Sunil Kumar Singh

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 10-04-2012

Acts Referred:

Citation : (2012) 4 PLJR 20

Hon'ble Judges : Ajay Kr. Tripathi, J

Bench : Single Bench

Advocate : Kumar Alok, for the Appellant; Shail Kumari, for the Respondent

Judgement

Ajay Kr. Tripathi, J.—Certain policy of the State is announced with much fan fair without corresponding zeal or commitment for its implementation. That is what this Court perceives as would be evident from the dispute raised in the present writ application. Learned counsel for the petitioner is correct in bringing to the notice of this Court Annexure-7 which had been issued by the Department of Health which had set up a Grievance Redressal Committee headed by the Principal Secretary of Health Department, Government of Bihar with many other members with the object of implementation of the Bihar State Litigation Policy, 2011. But it seems that constitution of that Committee is only to fulfill the obligation of that policy and not make it functional to prevent generation of litigation even with regard to a minor issue. If it was so, occasion for filing the present writ application would not have arisen. The brief facts, which are being taken note of in the order is required to be noted looking at the nature of the order which is going to be passed by this Court.

2. By virtue of notification no. 1193(3) dated 30.12.2010 issued by one Praveen Kumar, Deputy Secretary to the Government, Department of Health, Bihar, Patna contained in Annexure-1, the benefit of dynamic 3rd A.C.P. was granted to many a doctors including the present petitioner. Name of the present petitioner figures at serial no. 495. By virtue of this notification, petitioner was to beget the benefit of 3rd dynamic A.C.P. with effect from 25.11.2008. However, when this

notification was forwarded to the office of the Accountant General to make authorization for payment, the Accountant General, Bihar, Patna raised an objection vide letter dated 17.3.2011 which is Annexure-4 to the writ application indicating therein that since joining of the petitioner on the post under the Health Department is reflected from the records as 15.1.1991, he completes 18 years of service on 15.1.2009 and not 25.11.2008. A clarification was sought for from the concerned respondent of the Health Department but more than a year has gone past but nothing came to be done by the authorities of the Health Department. Petitioner has been filing repeated applications before the Additional Secretary of the Public Grievance Redressal Cell of the Health Department which would be evident from various annexures annexed with the writ application but whose grievances they are redressing is not known to this Court because so far as the present petitioner is concerned he has had to approach the High Court as there was inaction on the part of the Health Department to take a decision on this issue.

3. The facts, therefore, speak for themselves. The Court, therefore, directs that a copy of this order will be marked to the Chief Secretary of the State who will hold an enquiry into the matter as to who was responsible for inaction and also review this aspect whether the Bihar Litigation Policy is supposed to remain only on paper or such policy will be given some flesh and blood and would be made meaningful by the authorities who are supposed to make it workable. If the object of the proclamation so made with regard to the policy decision was only a popularist measure, then this Court has nothing to comment upon it. The Court will continue to reach out to its citizen whenever they approach the High Court but then the Court will surely have a liberty to express its dissatisfaction upon the working of the department concerned including the responsibility of the Chief Secretary to ensure enforcement of such policy, which cannot remain an eye wash.

4. In addition to that, this Court directs that a decision on the grievance of the petitioner shall be taken and redressed within a period of eight weeks from the date of receipt/production of a copy of this order. The Chief Secretary will forward a copy of the enquiry report which he will do under a sealed cover within a period of eight weeks after reviewing the working of the litigation policy as well. Let this matter be placed after the aforesaid enquiry report of the Chief Secretary is received by this Court.