

**BIHAR HUMAN RIGHTS COMMISSION**  
**9, Bailey Road, Patna – 15**

File No **BHRC/COMP.** 945/12

Case of **OM PRAKASH SINHA**

---

Complaint of applicant Renu Sinha wife of Om Prakash Sinha is about harassment of her husband, non-payment of salary etc. to him by the Incharge Medical Officer, Minapur Primary Health Centre (PHC) Dr. Rajkumar Sharma.

Briefly stated, the applicant's husband Om Prakash Sinha on transfer from Sahebganj PHC was posted at Minapur PHC by Civil Surgeon-cum-Chief Medical Officer, Muzaffarpur in a chain transfer vide office order dated 30.6.2011. On being relieved by the Incharge Medical Officer, Sahebganj PHC on 24.10.2011 he submitted his joining at Minapur PHC on the next day i.e. 25.10.2011. The case of the applicant is that his joining was not accepted by the Incharge Medical Officer, Minapur PHC and he was not allowed to sign the attendance register on the ground that the transfer order was not available in the office. Later, it was claimed that the order was forged. The applicant's husband approached Civil Surgeon Muzaffarpur a number of times – brining to his notice his plight and the fact that as a result of non-acceptance of his joining he was not being paid salary. Civil Surgeon Muzaffarpur by letter no.2975 dated 24.12.2011 informed Incharge Medical Officer Muzaffarpur PHC that Om Prakash Sinha had indeed been transferred to Minapur PHC on 30.6.2011, and accordingly asked him to immediately dispose of his outstanding claims. The Incharge Medical Officer, however, continued with his recalcitrance. Applicant's husband brought this to the notice of Civil Surgeon on 20.1.2012. He submitted reminder on 1.3.2012. In another reminder dated 6.3.2012 he informed the Civil Surgeon that he was being asked to submit fresh joining. The state of affairs was also brought to the notice of the Director-in-Chief, Health Services on 22.3.2012, 3.5.2012 and 18.6.2012. At this stage, the Civil Surgeon vide memo no.1597 dated 21.6.2012 deputed him to Primary Health Centre, Motipur. In the light of the said order, the Medical Officer Incharge, Minapur PHC issued relieving order on 26.6.2012.

The stand of Dr. Rajkumar Sharma, Medical Officer Incharge, Minapur PHC is that after submitting his joining on 25.10.2011, Om Prakash Sinha remained absent throughout and therefore there was no question of his being allowed to sign the attendance register or being paid salary between 25.10.2011 and June 2012.

Report was called from Principal Secretary, Health Department and – apparently on the direction of the Health Department – Civil Surgeon,

Muzaffarpur submitted a report on the basis of enquiry said to have been made by Addl. C.M.O. Muzaffarpur. As per his enquiry report, Om Prakash Sinha was unauthorisedly absent from duty. In the circumstances, the matter was fixed for oral hearing and notice was issued to the Medical Officer Incharge, Minapur PHC, Civil Surgeon, Muzaffarpur and Principal Secretary, Health Department besides the applicant, to cause appearance on the date of hearing.

The matter was heard in part on 26.2.2012 and finally on 19.3.2013 in presence of Dr. Rajkumar Sharma, Medical Officer Incharge, Minapur PHC, Dr. Gyan Bhushan, Civil Surgeon, Muzaffarpur and Deputy Director, Health Services Dr. Nagendra Prasad Singh who appeared on behalf of Health Department. The applicant was present along with her husband's younger brother Sanjeev Kumar Sinha. Civil Surgeon produced records in the light of the order dated 26.2.2013.

In course of hearing on 19.3.2013 Dr. Rajkumar Sharma relied on extracts of the attendance register for the relevant period i.e. between October 2011 and June 2012, and stated that as would appear from the register, Om Prakash Sinha was throughout absent from 25.10.2011.

Om Prakash Sinha, no doubt, is shown to be absent. The column against his name has been scored out and 'A' has been written on some of the dates, but from the naked eye it is evident that all entries have been written subsequently and in a different ink against the name of Om Prakash Sinha shown at the bottom i.e. last name in the list of employees. Having regard to the fact that he submitted his joining on 25<sup>th</sup> of October it is understandable that his name would be added to the list of the employees posted in the PHC and therefore find place at the bottom of the list – and in a different ink – but it is not understandable as to why his name should be 'added' to the list of employees every month. It is clear that his name was subsequently added/included in the attendance register after the Commission directed the records to be produced vide its order dated 26.2.2013. Even Dr. Gyan Bhushan, Civil Surgeon Muzaffarpur and Dr. Nagendra Prasad Singh, Deputy Director, Health Services, fairly agreed that the entries were in a different ink and appear to have been made later. The Commission in the circumstances is satisfied that the applicant's joining was not formally accepted by the Incharge Medical Officer Dr. Rajkumar Sharma and he was not allowed to sign the attendance register. The applicant has brought on record copy of memorandum – signed by as many as 47 employees of Minapur PHC – about 'manufacturing' of record on 13.3.2013 showing Om Prakash Sinha's absence during the period. The exercise backfired and on protest by the employees the manufactured record was allegedly destroyed by none else than Dr. Rajkumar Sharma himself.

It is relevant to point out that from the month of August 2012, to be precise, from 8.8.2012 – after he returned from deputation to Motipur PHC – Om Prakash Sinha is shown to have duly signed the attendance register until 21.12.2012 when he was relieved for joining at the Ghosaut Additional PHC. Interestingly, he was shown to be absent for the whole month of July 2012 even though he was posted at Motipur PHC on deputation – as mentioned above.

The record (attendance register) is evidence of interpolations amounting to forgery in the official record and it strongly suggests that this was done with some ulterior motive. It is to be mentioned here that the complaint before the Commission was filed on about 12.3.2012 and by order dated 23.3.2012 report was called from the Health Department. Enquiry was apparently under-way on the direction of the Health Department – on the intervention of this Commission – and having learnt the same, Dr. Rajkumar Sharma interpolated the record. The interpolation not only nails lie in the stand of Dr. Rajkumar Sharma – and based on his version – the report of the Addl. C.M.O. Muzaffarpur about Om Prakash Sinha being unauthorisedly absent from 23.10.2011, it strongly suggests and proves the applicant's case that his joining was not being accepted and he was not being allowed to sign the attendance register. It is relevant to mention that during this period – between 25.10.2011 and 21.6.2012 (when he was deputed to Motipur PHC) – he submitted as many as seven representations to the Civil Surgeon, three representations to the Director-in-Chief, Health Services, and one representation to Principal Secretary, Health Department, besides representations made to the Incharge Medical Officer, Minapur PHC, pointing out that his joining was not being accepted, he was not being allowed to sign the attendance register and consequently he was not being paid salary.

The manner in which Om Prakash Sinha kept approaching the authorities bringing to their notice his plight is a prima facie proof of the fact that he was not absent from duty; no initiative whatsoever was taken by the Medical Officer Incharge on his representations on the other hand. If he was really unauthorisedly absent from duty, in the normal course, his conduct should have been reported to the higher authorities and suitable action taken or recommended against him. But nothing of the kind happened. In the facts and circumstances, the Commission has no hesitation in concluding that the stand of Dr. Rajkumar Sharma is a bundle of lies, and the complaint of the applicant about harassment meted out to Om Prakash Sinha at the hands of Rajkumar Sharma is well founded.

In course of hearing on 19.3.2013 the Commission confronted Dr. Rajkumar Sharma with loopholes in his stand but he failed to give any

satisfactory reply. The Commission is of the view that for his acts of omission and commission including interpolation/forgery in the official records, departmental proceeding should be initiated against him.

The Commission is also of the view that the applicant should be awarded monetary compensation payable by Dr. Rajkumar Sharma for his acts of harassment resulting in non-payment of salary – amounting to violation of human rights. In the facts and circumstances, the compensation is quantified at Rs. forty thousand.

The Commission accordingly directs that sum of Rs. forty thousand be deducted from the salary of Dr. Rajkumar Sharma and paid to Om Prakash Sinha. Civil Surgeon Muzaffarpur and Treasury Officer Muzaffarpur-cum-Chief Medical Officer shall severally and jointly carry out this direction.

Compliance report on the point of initiation of departmental proceeding and payment of compensation should be submitted within six weeks.

Put up in the third week of May 2013 awaiting compliance report.

Copy of this order may be sent to (i) applicant (ii) Principal Secretary, Health Department (iii) Civil Surgeon-cum-Chief Medical Officer, Muzaffarpur (iv) Dr. Rajkumar Sharma, Medical Officer Incharge, Minapur PHC, district Muzaffarpur and (v) Treasury Officer, Muzaffarpur.

Date: 03.04.2013

Justice S.N. Jha  
Chairperson