

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No. 15243 of 2006**

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Sri Rajendra Prasad, S/o Late Fakira Prasad, resident of village – Noawan, P.O. Noawan, P.S. Asthawan, District – Nalanda.

.... .... Petitioner

Versus

1. The State of Bihar through the Agriculture production Commissioner, Bihar, New Secretariat, Patna.
2. The Director of Agriculture, Bihar, Patna, New Secretariat, Patna.
3. The Joint Director of Agriculture, (Plant Protection) Bihar, Mithapur Farm, Patna.

.... .... Respondents

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**Appearance :**

For the Petitioner/s :                Mr. Deo Nath Prasad  
                                                      Mr. Shailendra Kumar Sinha

For the Respondent/s :                AC to SC-4

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**

**ORAL JUDGMENT**

**Date: 03-02-2015**

Heard learned counsel for the petitioner and learned A.C.  
to Standing Counsel – 4.

The sole petitioner, invoking inherent jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for quashing of order contained in Memo No. 4980 dated 23<sup>rd</sup> November, 2000 passed by the Director, Agriculture, Govt. of Bihar, whereby, the appeal preferred by the petitioner has been rejected.

It appears that after retirement, the petitioner approached this Court by filing a writ petition, vide C.W.J.C. No. 7553 of 1999. In the said writ petition, the Court was satisfied that entire retiral dues were already paid to the petitioner, however; the petitioner raised his

grievance against an order dated 05-07-1999, whereby, a recovery of **Rs. 31,160/-** (thirty one thousand one hundred & sixty) was made from the pensionary benefit. The writ petition was dismissed as withdrawn granting liberty to the petitioner to approach appropriate forum/authority in respect of order of the recovery. In the light of the order of the writ court, the petitioner filed an application before the Director, Agriculture and thereafter, the impugned order has been issued. On perusal of the impugned order, it appears that prior to retirement of the petitioner, in respect of loss to the tune of Rs. 31,160/- to the department, a departmental proceeding was initiated and in departmental proceeding, it was held that the petitioner was responsible for such loss and as such, recovery order has been passed.

Since order has been passed on the basis of order passed in the departmental proceeding, I do not find any ground to interfere with the order.

The writ petition stands dismissed.

**(Rakesh Kumar, J.)**

Anay/-

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