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IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6457 of 2008

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Gunwati Devi, wife of Sri Dharnidhar Pandey, Assistant Teacher (Retired) Middle School Delha, P.S. Delha, Distt. Gaya, at present resident of Mohalla Delha Paraiya Road, P.O. R.S. Gaya, P.S. Delha, Distt. Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna.
2. The Director Primary Education, Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna
3. The District Magistrate, Gaya.
4. The District Superintendent of Education, Gaya.
5. The Area Education Officer, Gaya.
6. The Accountant General, Bihar, Patna.
7. The Senior Account Officer, posted in the office of the Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Ajay Kumar Sharma, Advocate

For the State : Mr. Santosh Kumar Jha, GP 3

For the Accountant General : Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

8 08-01-2015 Heard learned counsel for the parties.

The petitioner has sought quashing of Memo No. Pen-10-1085 dated 31.01.2008 issued by the Senior Accounts Officer, Bihar, Patna by which the pay scale of the petitioner has been revised.

Learned counsel for the petitioner submits that her service is required to be counted from 01.01.1976 and not from 01.07.1976 though as per the stand of the respondents the petitioner was appointed on stipend basis earlier and on 01.07.1976 she was granted regular scale of Matric trained. Further, the stand as per Memo No. 1419 dated 24.07.2007 of the Department, is that the stipendiary service is not pensionable.

Upon considering the aforesaid, this Court finds that the action of the respondents cannot be faulted as only a correction has been made for mistake committed by them earlier. The excess payment of public money can be recovered and there is no question of any punitive nature to such action. Secondly, the error committed of making excess payment is now sought to be rectified by making adjustments.

In view of the aforesaid, the Court does not find any error in the action of the respondents.

The application accordingly stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

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