

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1433 of 2011

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Asheshwar Prasad, Son of Late Ram Khelawan Prasad at Village+P.O.+P.S.-
Besnand, District-Sitamarhi, at Present Residing at Mohalla-Dighi Pokhar West (1st
Turning) P.O.-Lalbag,, P.S.-Town Thana, District-Darbhangha-846004.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Rural Development Department, Old Secretariat,
Patna.
3. The Principal Secretary, Panchayati Raj Department, New Secretariat, Vikash
Bhawan Patna.
4. The Chairman, D.R.D.A. Sheohar, District-Sheohar.
5. The Deputy Development Commissioner (D.D.C.) D.R.D.A. Sheohar, District-
Sheohar.
6. The Managing Director, Bihar Panchayati Raj, Finance Corporation, Vikash
Bhawan, New Secretariat, Patna-1.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Labh &
Mr. Krishna Kumar Singh, Advocates.

For the State : Mr. Kinkar Kumar, S.C. 27.
Mr. Manoj Kumar Yadav, A.C. to S.C. 27.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 23-09-2015

Heard learned counsel for the parties.

Pursuant to order dated 07.08.2015,
supplementary counter affidavits have been filed on behalf of
respondent no. 3 and respondent no. 2.

The position which emerges out of the decision
taken on 07.09.2015, pursuant to the directions of the Court, in a
meeting of the Principal Secretaries of the Panchayati Raj
Department and the Rural Development Department, is that
erroneously the petitioner had received the benefit of 5th and 6th
pay revisions to which he was otherwise not entitled and therefore

a sum of nearly Rs. 12,00,000/- excess has been paid to him which according to the stand of the respondents is recoverable.

In view of the aforesaid, this Court is not in a position to pass any positive order in favour of the petitioner with regard to him receiving any remaining and admissible post retiral dues till such time the aforesaid order dated 07.09.2015 is in existence.

Accordingly, the writ application stands disposed off with liberty to the petitioner to take appropriate steps with regard to the order dated 07.09.2015 before the appropriate forum, in accordance with law.

(Ahsanuddin Amanullah, J.)

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