

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.106 of 2011

=====

Kailash Pati Prasad, son of Late Satrudhan Prasad, Resident of Mohan Nagar, P.S.
Chapra Town, District- Chapra

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Animal and Husbandary Department, Bihar, Patna
2. The Director, Animal and Husbandary Department, Bihar, Patna
3. The Regional Director, Animal and Husbandary Department, Saran Range, Saran
4. The District Animal Husbandary Officer, Incharge Assistant Director, Cattle Development, Large Cattle Development Project, Saran Level, Saran
5. The Treasury Officer, Saran

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar Tiwary, Advocate

For the Respondent/s : Mr. Prabhat Ranjan, AC to GP-12

=====

CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

ORAL JUDGMENT

Date: 27-03-2015

Heard learned counsel for the petitioner and the State.

2. Petitioner superannuated while serving as Live Stock Supervisor with effect from 30.11.1997. He has filed this writ petition assailing the order bearing Letter No. 44 dated 03.02.2003, Annexure-3, passed by the Assistant Director, Animal Husbandry whereunder he has been directed to refund a sum of Rs. 37,771/- which was paid to him in excess of gratuity admissible to him.

3. Petitioner having superannuated in the year 1997 and retiral dues paid in due course there is no justification to seek refund of the excess amount after more than five years. In the

circumstances, order contained in Letter No. 44 dated 03.02.2003, passed by the Assistant Director, Animal Husbandry, Chapra is quashed. If any recovery made pursuant to the said order be refunded to the petitioner within a period of one month from the date of receipt/ production of a copy of this order before the Assistant Director, failing which the Assistant Director will expose himself to the charge of contempt of the order of this Court.

4. This petition is accordingly, allowed.

(V.N. Sinha, J.)

Rajesh/-

U			
---	--	--	--