IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1595 of 2011

==========

Kamdeo Singh, son of Late Ram Pravesh Singh, resident of Village- Rasalpur, P.O. Rasalpur, P.S. Buniyadganj, Distt. Gaya

.... Petitioner

Versus

1. Bihar State Electricity Board Through its Chairman, Vidut Bhawan, Baily Road, Patna
2. The Chairman, Bihar State Electricity Board , Bailey Road, Patna
3. Secretary, Bihar State Electricity Board , Vidyut Bhawan, Baily Road, Patna
4. General Manager Cum Chief Engineer, Magadh Electric Supply Area, Gaya
5. Electrical Superintending Engineer , Electric Supply Circle, Gaya
6. Incharge Electrical Executive Engineer, Gaya

.... Respondents

==========

Appearance :

For the Petitioner : Mr. Braj Nandan Kumar Tiwary, Advocate.
Mr. Nalin Nilochan Tiwary, Advocate.

For the Respondents : Smt. Nilu Agrawal, Advocate.
Mr. Avinash Kumar, Advocate.

==========

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 Correspondent Clerk (Senior Selection Grade) in Bihar State Electricity Board, Patna with effect from 10.02.2010. He has filed this Writ Application assailing the order bearing Memo No. 593 dated 24.09.2010, Annexure-1, whereunder a sum of Rs. 82081/- has been directed to be recovered, as the said amount was paid to him in

WEB COPY NOT OFFICIAL

excess.

3. Any recovery of the excess pay drawn during the service tenure of the petitioner without there being any misrepresentation on his part is wholly arbitrary and in the light of the judgment of the Supreme Court in the case of State of Punjab and others etc. Vs. Rafique Mashih (White Washer etc.) 2015 (1) PLJR 261 Supreme Court, I not only quash the impugned order dated 24.09.2010, Annexure-1 but direct the competent authority of the Board to refund the aforesaid amount within one month from the date of receipt/production of a copy of this order before General Manager, South Bihar Power Distribution Company Limited.

4. The writ application is, accordingly, disposed of.

(V.N. Sinha, J)

P.K.P.

U		T	

WEB NOT