

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10937 of 2012

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Parmeshwar Prasad Son Of Late Deopat Prasad Resident Of Village Jai Prakash
Nagar, Road No. 8c Bettiah, Post Office- Bettiah, Police Station - Muffasil Bettiah,
District West Champaran

.... Petitioner/s

Versus

1. The Bihar State Electricity Board Through Its Chairman, Bihar State Electricity Board Vidyut Bhawan, Patna
2. The Chairman , Bihar State Electricity Board Vidyut Bhawan, Bailey Road, Patna
3. The Secretary, Bihar State Electricity Board Vidyut Bhawan, Bailey Road, Patna
4. The Joint Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
5. The Principal Controller, The Bihar State Electricity Board, Patna
6. The General Manager Cum Chief Engineer Tirhut Area Electricity Board Muzaffarpur
7. The Director Of Accounts, Tirhut Electric Supply Area Muzaffarpur
8. The Electrical Superintending Engineer, Electric Circle Motihari
9. The Account Officer, Electric Circle Motihari
10. The Electrical Executive Engineer, Electric Supply Division, Bettiah, West Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 16-10-2015

Heard learned counsel for the parties.

The petitioner has challenged the order dated 22.09.2011 issued by the respondents directing recovery of Rs. 62,086/- from the gratuity of the petitioner on the ground that he has drawn excess on account of salary during the service period.

Learned counsel for the petitioner submits that the said recovery is sought to be made after four years from the

date of superannuation of the petitioner.

Learned counsel for the Company submits that the petitioner was in the Accounts Branch and thus him being a person aware of the entitlement, having drawn in excess of the same, the recovery cannot be said to be unjustified or unreasonable. It is further submitted that the petitioner ultimately superannuated from the post of Accountant and thus cannot be said to be unaware or unconnected with the preparation of the salary bills.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any error in the action of the respondent Company, for the reason that the petitioner being in a position to be well aware of his entitlement continued to receive an amount in excess of what was due to him in law, the adjustment cannot be said to be unreasonable as it relates to public money.

Accordingly, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J.)

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