

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 656 of 2009

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Upendra Prasad Son of Late Buchan Prasad, Resident of Gandhi Path, Ward
No. 5, P.S. Saharsa and District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. Chief Engineer Water Resources Department, Samastipur.
3. Superintending Engineer, Flood Control Anchal, Khagaria.
4. Executive Engineer, Flood Control Division-1, Khagaria.
5. Former Executive Engineer, Flood Control Division No. 1, Khagaria-
New Superintending Engineer, in-charge Engineer-in-Chief, Vigilance,
main Secretariat, Patna.
6. Sub-Divisional Officer, Flood Control, Sub-Division No. 2, Khagaria.
7. Treasury Officer, Saharsa.

.... 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 ORDER

6 07-08-2015 Heard learned counsel for the petitioner and
learned AC to SC-1 for the State.

The petitioner has moved the Court for quashing
of Letter No. 298 dated 13.03.2008 by which recovery of Rs.
8550/- from his pension has been made on account of him
not handing over the physical possession of two levelling
instruments.

Learned counsel for the petitioner submits that
though he was the custodian of the said levelling machines
but much prior to his superannuation, the same, while being
brought to Patna for repair were robbed on the way for which
Hathidah P.S. Case No. 12 of 2000 dated 28.04.2002 was

registered by the Executive Engineer on whose car the said machines were being brought. It is submitted that once the two levelling machines have already been shown to have been looted the liability to produce them cannot be fastened on the petitioner much less any recovery made from his pensionary benefits.

The Court is not satisfied with the counter affidavit filed on behalf of respondents no. 2, 3 and 4 since the moot question as to whether the levelling machines which were the subject matter of the F.I.R. were the same for which deduction has been made from the petitioner is necessary.

Be that as it may, this Court deems it appropriate to dispose off the application with a direction to the petitioner to file a representation before the Chief Engineer, Water Resources Department, Samastipur (respondent no. 2) who shall look into the matter as to whether the two levelling machines which are said to have not been produced by the petitioner and for which recovery has been made, were the subject matter of the F.I.R. of Hathidah P.S. Case No. 12 of 2000. If it transpires that the two are the same, he shall pass necessary orders cancelling the order dated 13.03.2008 and also refunding the amount of Rs. 8550/-which has been deducted from the pension of the petitioner.

Let the petitioner file a representation within

three weeks from today alongwith a copy of this order. The concerned respondent shall thereafter look into the matter and pass appropriate orders within the next three weeks thereafter.

The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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