

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16221 of 2011

Shibu Paswan, S/O- Late Deonandan Paswan, Resident of Village-Moli,
P.S.-Karapi, O.P.-Bansi (Sonbhadra, Suryapur), District-Arwal.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Patna, Bihar.
2. The D.I.G. Magadh Range, Gaya.
3. The Collector, District-Arwal.
4. The Superintendent of Police (S.P.), District-Arwal.
5. The Circle Officer, Anchal Office Karapi, District-Arwal.
6. The Officer-in-Charge, Police Station-Karapi, District-Arwal.
7. The Incharge O.P Bansi, P.S. Karapi, District-Arwal.
8. The District Provident Fund Officer, District-Arwal.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate
For the State : M/s. Vinay Kirti Singh, G.A.3 and
Binay Kumar Pandey, A.C. to G.A.3

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 01-12-2015

Heard learned counsel for the parties.

Pursuant to order dated 26.11.2015, the respondent no. 5
is present and files show cause as well as reply to the rejoinder filed
by the petitioner.

With regard to the reasons respondent no. 5 was called to
appear and explain his conduct, unconditional apology has been
tendered and it has also been stated in the show cause that it was
because of his “little technical capability of understanding” and not
deliberate or willful. In view of the said and taking note of the

apology tendered, the court does not propose to proceed any further against him. Accordingly the issue stands concluded.

Coming to the merits of the matter, the only dispute which remains is with regard to recovery of Rs.173551/- from the arrears of pension, for the reason that he had worked on the post and drawn full salary beyond his date of superannuation.

From the materials on record, it appears that the petitioner had written to the respondent no. 5 for making payment of his post retiral benefits after deducting the excess amount of salary paid to him for the period he worked beyond his date of superannuation. The stands of the petitioner is that he had been made to sign on a blank paper by the then incumbent Circle Officer, Karapi on the pretext that it was required to make payment to him and the petitioner being an illiterate and retired person, in good faith had put his signature and later on a document was created to show that the petitioner himself had agreed to the authorities deducting the excess amount of the salary drawn by the petitioner.

In view of the aforesaid disputed question of fact relating to the document referred above, this Court is not in a position to record a finding either way. Accordingly, the writ petition stands disposed off. However, the petitioner shall be at liberty to assail the document which purportedly has been written by him to the

respondent no.5 agreeing for adjustment of the excess amount drawn by him, before the appropriate forum in accordance with law.

The personal appearance of respondent no.5 stands dispensed with.

(Ahsanuddin Amanullah, J)

N.H./-

U			
---	--	--	--