

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 17234 of 2011

=====

Bed Narain Singh Son of Late Dharam Singh Resident of Village-Khapura,
P.S. Nagarnausa, District-Nalanda.

.... Petitioner/s

Versus

1. The Chairman, Bihar State Electricity Board, Patna.
2. The Joint Secretary (Administration), Bihar, State Electricity Board, Patna.
3. The Electric Executive Engineer, Electric Supply Division, Ekangarsarai, Nalanda.
4. The Assistant Electric Engineer, Hilsa.
5. The Accounts Officer, Nalanda, Electric Supply Circle, Patna.
6. The Accountant (Establishment), Ekangarsarai, Nalanda.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Sinha, Advocate.
For the B.S.E.B. : Ms. Nivedita Nirvikar, G.A. 10.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

7 14-08-2015

Heard learned counsel for the parties.

The present writ application has been filed by the petitioner for a direction to the respondents to pay Travelling Allowance of Rs. 10,000/- for the period 1996 to 2000, actual increment for the period 27.05.1980 to 01.05.1992 and also some amount for the period 1972 to January, 2004 under pre-retiral dues on account of one increment.

Learned counsel for the petitioner submits that the said amounts are still due to the petitioner who retired on 31.01.2004. It is submitted that the recovery/adjustment of an amount of Rs. 32,308/- on account of the petitioner not having passed the 'Hindi Noting and Drafting Examination' is



erroneous as the same cannot be recovered because the petitioner did not mis-represent or play any fraud. With regard to the Travelling Allowance, it is submitted that the petitioner recorded the reading from the meters after visiting different houses and thus is entitled to Travelling Allowance to the tune of Rs. 10,000/-. With regard to the deduction made on account of one extra increment to which he was not entitled, it is submitted that the petitioner was granted such increment to maintain his seniority and thus the deduction is illegal. Learned counsel for the petitioner has also relied upon an order dated 16.03.2005 passed in C.W.J.C. No. 12097 of 2004 in the case of **Rajendra Prasad vs. The Bihar State Electricity Board and Others**, by which the recovery made on account of non passing of 'Hindi Noting and Drafting Examination' was quashed on the ground that there was no representation or misrepresentation on the part of the petitioner.

Learned counsel for the respondents has filed a counter affidavit and submits that the petitioner upon superannuation had approached the Court in C.W.J.C. No. 10934 of 2004 with regard to his pensionary benefits but had not raised any of the said claims earlier and only in the year 2011, he has moved this Court for the said reliefs. It is submitted that the petitioner being an Accounts Assistant was responsible for keeping the account of the Board correct and to

ensure that no employee gets more than his entitlement in fixation of salary and grant of increment. Thus, he being in such a position managed to get increment which was not due to him and also three annual increments for the period 16.07.1979 to 17.05.1992 without passing the 'Hindi Noting and Drafting Examination' which was contrary to the Board's Resolution No. 537 dated 16.07.1979. It is submitted that in the present case the petitioner had a role in getting excess payment and thus he cannot be benefited of the judgment relied upon by him in the case of **Rajendra Prasad** (supra).

Upon considering the facts and circumstance of the case and submissions of learned counsel for the parties, this Court does not find merit in the application and accordingly the same stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

U		T	
---	--	---	--