

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.694 of 2011

=====

Nawal Kishore Prasad, retired Accountant, aged about 63 years, son of Late Bimal Prasad, resident of Mohalla- Jehanabad Road, Masaurhi, P.O.- Masaurhi, P.S.- Masaurhi, Distt.- Patna

.... Petitioner

Versus

1. The Bihar State Electricity Board, Through its Secretary, Vidyut Bhawan, Bailey Road, Patna.
2. Financial Controller-I, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
3. Financial Controller (Audit) Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
4. The Joint Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
5. Director, (Terminal Benefit), Bihar State Electricity Board, Patna
6. Electrical Executive Engineer, Electric Supply Division, Distt.- Hajipur

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Ram Hriday Prasad, Advocate.
For the Respondents : Ms. 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 Accountant in Bihar State Electricity
Board, Patna with effect from 31.12.2007. He has
filed this Writ Application assailing the order
bearing Memo No. 763 dated 22.07.2009,
Annexure-1, whereunder Director (Terminal
Benefit) of the Board has asked Deputy Director

(Accounts) to recover a sum of Rs. 1,27,653.30/- from D.C.R. gratuity payable to the petitioner, as the said amount was paid to him as excess pay.

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 22.07.2009, 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	
---	--	---	--