

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12842 of 2010

Prabha Shankar Prasad Sinha, aged about 70 years Retired Accounts Assistant, Muzaffarpur Electrical Circle Son of Late Ramdeo Prasad Resident of Village- Attardat, Mohalla- Kachhi Pakki Road, P.O.- Ramna, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The Bihar State Electricity Board through its Chairman Vidyut Bhawan, Bailey Road, Patna.
2. The Secretary Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna.
3. The Director (Terminal Benefit) Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna.
4. The Joint Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna.
5. The General Manager-cum-Chief Engineer Tirhut Area Electricity Board, Bhagwanpur Chowk, Muzaffarpur.
6. The Joint Secretary-cum-Public Information Officer Bihar State Electricity Board, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

7 06-08-2015 Nobody appears on behalf of the petitioner.

Learned counsel for the respondents is present.

The present writ application is directed against the order by which certain amount has been recovered from the gratuity of the petitioner. Learned counsel for the respondents submits that the said recovery was on the ground that his pay has been wrongly fixed and he had benefited twice which was impermissible. It is further submitted that due to there being large number of cases, the matter is still pending. Learned counsel has submitted that despite there



being standing orders of the Board with regard to promotion, the petitioner in contravention of the same has been given the benefit twice and thus there is recovery. It is submitted that the recovery is not by way of penal consequences and only by adjusting since excess amount has been paid from the public exchequer. Learned counsel has relied upon a Full Bench decision of this Court in the case of **Ram Binod Singh v. Bihar State Electricity Board (F.B.)** reported in **2007(3) PLJR 398** where it has been held that such recovery is permissible.

In view of the aforesaid, this Court does not find any illegality in the order of adjustment. Accordingly, the application stands disposed off.

(Ahsanuddin Amanullah, J.)

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