IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 11902 of 2011

==

Sajid Hassan, Son of Late Md. Ibrahim, Resident of Village Daud Nagar, P.S. Bidupur. District- Vaishali, Presently Residing at Village- Karanpura, P.S. Ganga Bridge (Jarua) District- Vaishali at Hazipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Land Reforms Department, Bihar Patna.
2. The Principle Secretary, Finance Department, Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The District Provident Fund Officer, Muzaffarpur.
5. The Circle Officer, Paroo, Muzaffarpur.
6. The Treasury Officer, Vaishali at Hazipur.
7. The Accountant General, Bihar, Patna.

.... Respondent/s

==

Appearance :

For the Petitioner/s	:	Mr. Kali Prasanna Dubey, Advocate.
For the State	:	Ms. Nivedita Nirvikar, G.P. 3.
For the Accountant General	:	Mr. Kumar Priya Ranjan & Miss Gunja, Advocate.

==

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

20 18-12-2015 Heard learned counsel for the parties.

Pursuant to order dated 17.12.2015, the District Magistrate, Muzaffarpur is also present in Court.

The case has had a chequered history in the sense that under a bonafide impression, the Court had directed for an exercise to be undertaken by the District Magistrate, Muzaffarpur for reconciling amounts which may have been deposited by the petitioner while working as a Revenue Karamchari and the same not having been adjusted before finalizing the retiral benefits resulting in major portion being adjusted on account of the petitioner having collected money by way of tax but not depositing the same in the Government Treasury.

The confusion which was created due to certain Nazir receipts has also been clarified by the learned counsel for the State in presence of the State authorities and the Court is satisfied that they do not disclose anything with regard to the amount which may have been deposited by the petitioner not being adjusted. Further, from the official records, the attention of the Court has been drawn to an endorsement by the petitioner agreeing for an adjustment of Rs. 72,000/- and odd on 4th March, 2010. Learned counsel for the petitioner refers to Annexure-10 of the rejoinder filed by him which is letter of the Anchal Adhikari, Paru addressed to the Additional Collector, Muzaffarpur dated 24.04.2012 in which an amount of Rs. 81,335/- is shown due against him. It is thus submitted that in view of various receipts given to the petitioner, after his superannuation on 16.03.1990, the amounts shown there which comes to Rs. 1,90,710/-, have not been adjusted.

Learned counsel for the State has explained the fact that the said receipts clearly are dated more than two months after the superannuation of the petitioner and may be strictly speaking and also technically not required to have been deposited in the Nazarat as only an adjustment could have been made for the reason that the amount was recoverable from the payable amount to the petitioner, but due to some misconception a receipt was issued showing the break up of the dues which the petitioner was required to deposit but had not deposited. It is submitted that the said receipt was not issued to the petitioner for his deposit but merely an internal receipt by the Anchal Adhikari, who himself had deposited the amount in the Government account.

At this juncture, learned counsel for the petitioner submits that he had never agreed for adjustment of any amount and disputes the signature on such endorsement and further submits that the said document was never brought on record in the proceedings. However, he is not in a position to controvert the fact that he had appeared before the District Magistrate, Muzaffarpur on November, 2011 and there he was satisfied with the reconciliation, for the reason that learned counsel for the State has submitted that it has been video graphed and such evidence is with the records of the original files, but submits that these records were never shown to him.

Learned counsel for the petitioner further submits that with regard to calculation on various heads relating to G.P.F., Group Insurance etc., the petitioner was not shown any record.

Taking an overview of the facts and circumstances of the case, the Court is not in a position to give any finding with regard to any error on the part of the respondents in deciding the dues of the petitioner pertaining to his retiral benefits.

Accordingly, the writ petition stands disposed off.

However, the Court may consider taking appropriate action against the official respondents if the petitioner can satisfy it with regard to wrong facts having been placed before the Court in the present proceeding by them relating to certain notings/endorsements having been made by the petitioner in the official files which has persuaded the Court to dispose off the matter in the aforementioned terms. Further, if the petitioner is so convinced about the fact that the accounting and other procedures for arriving at the conclusion that he has not deposited any amount collected by him in the Government Treasury, is incorrect, he shall be at liberty to move before the appropriate forum in accordance with law. Any finding recorded in the present order shall not cause any prejudice if he chooses to move before the said forum.

The personal appearance of the District Magistrate, Muzaffarpur stands dispensed with.

(Ahsanuddin Amanullah, J.)

P. Kumar

U		T	