IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14742 of 2012

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Ramdeo Sharma Son Of Late Shyam Narain Sharma Resident Of Kusumpuram, P.O. and P.S. Danapur, District- Patna

.... Petitioner/s

Versus

1. Chairman, Bihar State Electricity Board, Patna
2. Secretary To B.S.E.B., Bailey Road, Patna
3. The General Manager And Chief Engineer, Transmission Zone, Punaichak, Patna
4. The Electrical Superintending Engineer, Transmission Circle, Dehri-On-Sone, Sasaram
5. Joint Secretary, General Administration Department B.S.E.B., Patna
6. Account Officer, Office Of Electrical Superintending Engineer, Transmission Circle, Dehri-On-Sone, Sasaram

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mani Madhukar, Advocate

For the Respondent/s : Mr. Vinay Kirti Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL ORDER

5 14-01-2015 This is not the first case where the erstwhile Electricity Board after retirement of an employee suddenly discover on so called audit objection that an employee has been paid increment when he was not entitled too or there were some discrepancy in the pay which the employee like the petitioner was being paid by the respondent Electricity Board for many a decades. There is nothing to show even from the counter affidavit that anything was done when the petitioner

was permitted to draw advantage of an increment, when he had not passed Hindi Noting and Drafting examination or that he was instrumental in getting pay fixed at Rs. 570/- instead of Rs. 554/-.

The two grounds became the reason for passing an order for deduction to the tune of Rs. 63,728/-. The Courts have already expressed its opinion against such arbitrary deductions after superannuation of an employee and even opined in a detailed decision of a Full Bench in the case of Ram Binod Singh Vrs. The Bihar State Electricity Board & Ors. reported in 2007 (3) PLJR 398.

Law has already been settled in this regard. In terms of the decision of Ram Binod Singh (supra), the order of deduction passed against the petitioner contained in Annexure-4 dated 18.03.2010 is hereby quashed.

Respondents are directed to settle the post retiral dues of the petitioner in view of the above. If the above amount has already been deducted, the same will be paid to the petitioner within a period of three months from the date of receipt/production of a copy of this order.

The writ petition is allowed.

(Ajay Kumar Tripathi, J)

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