

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15274 of 2011

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Geeta Devi W/O Late Binoy Kumar R/O Gitanjali Chaturbhuj Market, Mohalla-
Gaurakshani, Sasaram, P.S.- Sasaram, District - Rohtas

.... Petitioner/s

Versus

1. The Bihar State Electricity Board through its Secretary, Vidyut Bhawan, Bailey
Road, Patna

2. The Chairman, Bihar State Electricity Board, Patna

3. The Joint Secretary, Bihar State Electricity Board, Patna

4. Financial Controller-I, Bihar State Electricity Board, Patna

5. Director of Terminal Benefit Bihar State Electricity Board, Patna

6. General Manager-Cum-Chief Engineer, Magadh Electric Supply Area, Gaya

7. Electrical Superintending Engineer, Rohtas Electrical Circle, Sasaram

8. Accounts Officer, Rohtas Electrical Circle, Sasaram

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 27-08-2015

Heard learned counsel for the parties.

Though the writ petition had been filed seeking various

reliefs but learned counsel for the petitioner submits that he shall restrict it to the recovery made of Rs. 1,03,193/- from the gratuity of the late husband of the petitioner on the ground of excess payment made due to wrong fixation of pay.

Without getting into the finer details, the reason for the aforesaid recovery, as per the stand of the respondents, is that the fixation of pay of the late husband of the petitioner was wrongly done from 1966 resulting in excess payment of Rs. 1,03,193/- which has been recovered.

It is submitted by learned counsel for the petitioner that in view of the law laid down by the Hon'ble Supreme Court in the case of **State of Punjab v. Rafiq Masih** reported in (2015) 4 SCC 334 such recovery from the petitioner is impermissible.

Learned counsel for the respondents does not dispute that there was no factually incorrect information furnished or fault or misrepresentation on the part of the late husband of the petitioner. He has also not been able to distinguish the case of the petitioner from the categories defined by the Hon'ble Supreme Court in the case of **State of Punjab v. Rafiq Masih** (*supra*) where such recovery is impermissible.

The Court finds substance in the submissions of learned counsel for the petitioner and holds that the case of the late husband of

the petitioner is covered by the aforesaid order of the Hon’ble Supreme Court.

Accordingly, the writ application stands disposed off with a direction to the respondents to refund Rs. 1,03,193/- to the late husband of the petitioner which shall be paid to her within four weeks from the date of production of a copy of this order before the respondents no. 5 and 6.

(Ahsanuddin Amanullah, J)

Anjani/-

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