

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1496 of 2014

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1. Ram Chandra Ram S/O Late Raghu Nandan Ram R/O Vill - Bharho, P.S. - Mahnar, Distt. - Vaishali
 2. Yadu Nandan Pd. Yadav S/O Late Bhubneshwar Pd. Yadav R/O Vill - Singhia, P.S. - Ram Nagar, Jamalpur, Distt. - Munger
 3. Indra Raman Srivastava S/O Late Deo Nandan Lal R/O Vill - Harpur, P.S. - Guthni, Distt. - Siwan
 4. Ajit Kumar Sinha S/O Awadhesh Kumar Sinha R/O Chitkohar, Sheopuri, Beur Road, P.S. - Beur, Distt. - Patna
 5. Madan Lal Vishwakarma S/O Late Chathu Lal Vishwakarma R/O Vill - Kantachak, P.S. - Gopalpur, Distt. - Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Director Agriculture, Bihar, Patna
3. Dy. Director (Administration), Agri. Deptt. Bihar, Patna
4. Joint Director Agri. Patna Division, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar
For the Respondent/s : Mr. Prasoon Sinha, GA 2

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 31-03-2015

The impugned order contained in Annexure- 2 directs deduction of certain sum of money from the five petitioners proportionately as would be evident from reading thereof. Annexure- 2 has been issued after a directive contained in Annexure- 1, dated 13.11.2013.

The background story behind issuance of Annexures 1 and 2 is that one Yamuna Prasad Singh, who was dismissed from service as an Agriculture Inspector, claimed payment of provident



fund. Judicial orders in his favour came to be passed. One of the orders held in favour of Yamuna Prasad Singh that he was entitled to payment of his GPF with interest of statutory kind. When the matter was referred to the Finance Department because the interest component could not be sanctioned by the Agriculture Department without approval of the Finance Department, the Finance Department directed fixing culpability and recovering the amount of interest payable to Yamuna Prasad Singh, which was worked out to Rs.31162/-. This amount of Rs.31162/- has been distributed amongst the five petitioners and ordered to be recovered, which is under challenge.

When the counter affidavit was filed on behalf of State authorities, the Court was not satisfied as to how the culpability of these petitioners was worked out and how they were held to be guilty of any kind of delay on their score and whether any kind of enquiry was held establishing their culpability for which recovery of proportionate amount of money could be made from them. The Court directed the Director, Agriculture, therefore, to file an affidavit and shed more light as to how the decision contained in Annexure- 2 could be reached.

The affidavit of the Director does not reveal anything. He only indicates that all this had happened many many years ago.

Nothing is available on the file as such. In other words, in a mechanical fashion, a proportionate recovery order has been made against these petitioners, without any exercise, accountability was fixed.

If this be so, the impugned order contained in Annexure-1 and especially Annexure-2 becomes vulnerable as it is an arbitrary piece of decision reached without any opportunity of hearing to these petitioners or any exercise done to fix the responsibility upon them.

In view of the above, the impugned orders contained in Annexures 1 and 2 are quashed.

Writ application is allowed.

(Ajay Kumar Tripathi, J)

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