

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2249 of 2015

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1. Sri Shobha Nand Jha Son of Late Kalanand Jha, Resident of Village - Post - Jhalari, P.S. - Rupauli, District - Purnea (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Bihar Military Police, Patna.
3. The Inspector General of Police, Magadh Range, Gaya.
4. The Additional Director, of Military Police Patna.
5. The Inspector General of Police, Magadh Range, Gaya.
6. The Samadhesta, Bihar Military Police, Bodh - Gaya - 3.
7. The District Magistrate cum Collector, Gaya.
8. The Accountant General, Bihar, Patna at Birchand Patel Path, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kr Singh No. 6

For the Respondent/s : Mr. SC12- P.K. Singh

Mrs N.Mishra

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 05-02-2015

Since the petitioner had dishonestly drawn 175 days of earned leave allowance over and above his entitlement during the period of his service to which he was not entitled to, the decision in terms of Annexure- 1 has rightly been taken because no employee can draw any emoluments over and above his entitlement. No amount of submission is going to help the petitioner overcome illegally drawn advantage because public money cannot be squandered and be allowed to be withdrawn over and above the entitlement of an employee. Since there is no mechanism that this amount can be adjusted, the authority has rightly decided to adjust

against his pension and gratuity.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

