

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5364 of 2014

Sikandar Paswan Son Of Sri Kameshwar Paswan Resident Of Village - Amritpur,
P.S. Vaishali District - Vaishali At Hazipur Present Mukhiya Of Gram Panchayat
Raj Amritpur Vaishali, Hazipur

.... Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department of Rural Development Bihar, Patna
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur
3. The District Magistrate, Vaishali at Hazipur
4. The Deputy Development Commissioner Vaishali at Hazipur
5. The Director Account Administration, District Rural Development Authority, Vaishali at Hazipur
6. The Programme Officer cum Block Development Officer, Vaishali, District Vaishali at Hazipur

.... Respondent/s

With

Civil Writ Jurisdiction Case No. 5399 of 2014

Vinod Kumar Son Of Vijeshwar Thakur Resident Of Village - Bhataulia, P.O. Giddah, P.S. Saraiya, District - Muzaffarpur, Presently As Panchayat Rozgar Sewak, Gram Panchayat Raj Amritpur, Vaishali, District - Vaishali

.... Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department of Rural Development Bihar, Patna
2. The Divisional Commissioner Tirhut Division, Muzaffarpur
3. The District Magistrate Vaishali at Hazipur
4. The Deputy Development Commissioner Vaishali at Hazipur
5. The Director Account Administration, District Rural Development Authority, Vaishali
6. The Programme Officer cum Block Development Officer, Vaishali, District Vaishali at Hazipur

.... Respondent/s

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 05-10-2016

With the consent of the parties, both the writ applications have been
heard together as they are founded on the same facts inasmuch as the impugned

order is the same.

Heard the counsel for the petitioners and A.C. to G.A. 2 for the State.

The petitioner in CWJC No 5364 of 2014 was functioning as Mukhiya of Gram Panchayat Raj Amritpur, Vaishali at Hajipur whereas the petitioner of CWJC No. 5399 of 2014 is the Panchayat Rozgar Sewak, Gram Panchayat Raj Amritpur, Vaishali at Hajipur. They were assigned the plantation job under MANREGA Scheme in the year 2011-12. Under diverse schemes of plantation, the fund was allotted and payment was made to the 'Vanposhaks'. However, on an enquiry, the respondent found that the plantation made under those schemes were alarmingly less than 90% of the plantation work. On the basis thereof the respondent concluded that the amount under those schemes remained outstanding with the then Mukhiya of the Gram Panchayat as well as the Panchayat Rozgar Sewak. In these background, the order dated 22.01.2014 was passed by the Deputy Development Commissioner-cum-Programme Officer, Vaishali to realize part of the amount made over to the petitioners which remained unaccounted for/outstanding. The said order further states that in case the refund of the amount is not made by the petitioners, a proceeding under the Bihar and Orissa Public Demand Recovery Act (for short 'the Act') shall be initiated against them.

The counsel for the petitioners made diverse submissions to contend that actually the plantation was made as per the scheme but owing to construction of the road under the Pradhan Manti Gramin Sadak Yojna some of them were either cut or destroyed.

Be that as it may, in the order impugned itself it is indicated that in case of non-refund of the amount by the petitioners, appropriate proceeding(s) would be initiated against them under the Act. If a proceeding under the Act is initiated, the petitioner shall have opportunity to contest the same and file

objection. The petitioners are, therefore, not remediless

Declining the relief, the writ applications are disposed of.

(Kishore Kumar Mandal, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	17. 10.2016
Transmission Date	