

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3871 of 2014

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1. Ram Lakhan Sinha Son Of Late Ram Briksh Lal Resident Of Block Colony Styendra Nagar, Road No. 4, Near Bimla Kutiar, P.S. - Aurangabad, District - Aurangabad

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Public Health Engineering Department, Patna
2. Superintending Engineer, Public Health Circle, Gaya
3. Executive Engineer, Public Health Division, Nawada
4. Executive Engineer, Public Health Division, Jehanabad
5. Assistant Engineer, Public Sub-Division, Jehanabad
6. Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. RAMENDRA NATH MUKHOPADHAYA

For the Respondent/s : Mr. KUMAR PRIYA RANJAN, S.C. 23

Mr. MRITUNJAY KUMAR, A.C. to S.C. 23

Mr. VASANT VIKAS

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 12-02-2016

The original file based on which the liability in the shortage of stocks during the time of taking over and handing over the charge amounting to Rs.4,23,735.65P was assessed was produced before this Court by the learned counsel for the State. The Court has gone through the record. The figure which has been indicated in the order for recovery is based on the exercise done wherein the evaluation finds endorsement of many Officers.

2. That issue has further been gone into by yet another committee and they still feel that the calculation and costing is

correct.

3. Since this Court has no mechanism to test whether the pricing or costing of the various missing items are erroneous in any manner as has been urged at the Bar by the learned counsel for the petitioner, the Court will not express any opinion on the correctness or otherwise of the figure arrived at. Since these are matters of accounting, the Court, at the most, can give yet another opportunity to the petitioner to point out the infirmity in the costing or the calculation of missing items which were not accounted for at the time of handing over of the charge by the petitioner.

4. It is made clear that if the petitioner specifically gives in writing that he is willing to accept his post retiral dues and settlement after deduction of the above amount, the same may be settled in his favour.

5. This writ application is disposed of with the above liberty but no interference is warranted with the decision.

(Ajay Kumar Tripathi, J)

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