

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9859 of 2012

Yamuna Prasad, S/O Late Chandrika Prasad, Resident of Village- Mohanchak
Milky, P.S.-Islampur, Distt-Nalanda

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Public Health Engineering Department Bihar, Patna
2. The Joint Secretary, Public Health Engineering Department, Bihar, Patna
3. The Deputy Secretary, Public Health Engineering Department, Bihar, Patna

.... Respondents

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan, Advocate

For the Respondent/s : Mr. Irshad, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL JUDGMENT

Date: 22-10-2016

The petitioner was working in the Public Health Engineering Department. In the year 2004, while he was working as Executive Engineer, Public Health Division, Daltonganj his services were placed at the disposal of Bihar Rajya Jal Parishad, as Executive Engineer (Mechanics) from where he retired on 31.05.2009. After his retirement, the petitioner has been paid his pension and gratuity. However, after more than two years of his retirement, the Public Health Engineering Department came out with a resolution directing recovery of unaccounted amount of Rs.1,40,294/-.

The case of the petitioner is that he has submitted the bill to the Pump Operator.

A counter affidavit has been filed on behalf of the

respondents stating that the petitioner being himself an Executive Engineer, knew very well that the Bill is to be submitted before the accountant and not before the Pump Operator. He further submits that the petitioner ought to have explained his case before the Superintending Engineer, Public Health Engineering Division, Munger from where he had drawn the advance.

If an employee has not accounted for any advance taken by him, he would be liable to make payment of the loss. However, in the facts and circumstances of the case, the petitioner would be granted one more opportunity to explain his case before respondent no.2, Joint Secretary, Public Health Engineering Department, Bihar, Patna. The petitioner must file his representation within six weeks from today along with a copy of this order. In case, the petitioner seeks a personal hearing, the Joint Secretary, Public Health Engineering Department, Bihar, Patna, would grant him a personal hearing to the petitioner.

With the aforesaid observations and directions, the writ application stands disposed of.

(Samarendra Pratap Singh, J.)

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