

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8845 of 2013

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1. Md. Junaid Alam S/O Azizur Rahman R/O Village- Patkoi, P.O.- Patkoi,
P.S.- Kochadhaman, District- Kishanganj, At Present Residing At Mohalla-
J.T. Bulding, Jauhar Chowk, Ward No. 15, P.O.+P.S.+District- Kishanganj

.... Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Human Resources
Development Department, Govt. Of Bihar, Patna
2. Director, Secondary Education Human Resources Development
Department, Govt. Of Bihar, Patna
3. District Education Officer, Kishanganj
4. Headmaster, High School

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anshuman Singh, Advocate.

For the State : Mr. Siddharth Shankar Pandey, AC to GP No.24

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 24-06-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner submits that
petitioner does not want to press the issue of his seniority but
his pension and other retiral benefit should be fixed on the
basis of last pay drawn by him.

On perusal of the record it appears that if any employee
has wrongly been given benefit of higher pay-scale it is within
the domain of the State or executive authority to make
necessary correction of the pay-scale and correct pay of
employee. It is well known principle of law that if excess

payment has been made to the employee, in such payment he has not played any role either by way of fraud or misrepresentation, the excess payment should not be recovered from his retiral dues but there is no bar that correction will not be effected in the amount of retiral dues.

In the present case it is not an issue that the respondents authorities have passed the order thereby directed for recovery of excess amount paid to him.

In such situation, this Court does not find any merit in this writ petition. It is accordingly dismissed.

(Shivaji Pandey, J)

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