

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.19654 of 2015**

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Baidyanath Singh S/o Late Dinanath Singh, Resident of Village - Aara  
Road, Vikramganj, Rohtas, P.S. - Bikramganj, District - Rohtas.

.... .... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Water Resources Department, Government of Bihar, Patna.
4. The Deputy Secretary, Water Resources Department, Govt. of Bihar, Patna.
5. The Deputy Secretary (Vigilance), Water Resources Department, Govt. of Bihar, Patna.
6. The Executive Engineer, Investigation and Research Division, Birpur, District - Supaul.

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Siya Ram Shahi, Advocate  
Mrs. Shally Kumari, Advocate

For the State : Mr. G.P. Ojha, GP 22  
Mr. Praveen Kumar, AC to GP 22

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2      05-01-2016                      Heard learned counsel for the petitioner and  
learned counsel appearing for the respondent State of Bihar.

When the petitioner was posted as Junior  
Engineer in Water Resource Department, Government of



Bihar, on charge of certain irregularities committed by him during his posting under Uttar Koyel Nahar Pramandal-I, a disciplinary proceeding was initiated against him which was finally culminated into passing of order of punishment, dated 6.3.2009. In terms of the said order of punishment, inter alia, a sum of Rs.3,30,552/- was required to be recovered from the petitioner.

The petitioner questioned the said order of punishment by filing writ application before this Court giving rise to CWJC No. 14958 of 2009. This Court by order, dated 24.11.2009, passed in CWJC No. 14958 of 2009, set aside the order of punishment as well as the appellate order and remanded the matter back to the Enquiry Officer. The report of the Enquiry Officer was also set aside and the Enquiry Officer was directed by this Court to hold a fresh enquiry. The Court further observed that any recovery effected from the petitioner in the meanwhile, shall abide by final result in the fresh departmental proceeding.

It is the case of the petitioner that till date, no enquiry has been held in the light of the order, dated 24.11.2009, passed by this Court in aforementioned CWJC No. 14958 of 2009. The petitioner has since attained the age of superannuation and retired with effect from 30.11.2013.

In such circumstance, the petitioner has sought

for a direction for refund of the amount of Rs.51,696/- deducted from his salary from March, 2009 to December, 2009, in compliance of the order of punishment, which subsequently came to be set aside by this Court by order, dated 24.11.2009. The petitioner has also sought for a direction for payment of interest thereon.

Learned counsel appearing on behalf of the respondent State of Bihar has, on the other hand, submitted that the fact asserted in the writ application needs to be verified for the purpose of grant of any relief as sought for by the writ petitioner.

Considering the facts and circumstances as pleaded in the writ application, this writ application is being disposed of with a direction to the Engineer-in-Chief, Water Resource Department, Government of Bihar, (Respondent No.3), to ensure, if the Enquiry Officer/Department has in fact failed to proceed in terms of this Court's order, dated, 24.11.2009, passed in CWJC No. 14958 of 2009, that the amount of Rs.51,696/- recovered from the salary of the petitioner from March, 2009 to December, 2009, is refunded to him within a period of three months from the date of receipt / production of a copy of this order. If for any reason, respondent No. 3 is of the view that the said amount is not refundable to the petitioner, he will be required to pass a

reasoned order within the aforesaid period of three months.

The writ petition stands disposed of accordingly.



**(Chakradhari Sharan Singh, J)**

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