

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20355 of 2013

Sudha Devi, w/o Late Vinayak Kumar, R/O Village - Shyampur, P.O. - Fulwar,
P.S. - Sugauli, Dist. - East Champaran.

.... Petitioner

Versus

1. The State Of Bihar, Through Its Chief Secretary, Old Secretariat Building Patna
2. Asst. Accountant General / Sr. Accounts Officer, Bihar, Patna.
3. The District Magistrate, East Champaran.
4. The Treasury Officer, East Champaran.
5. Assistant Commissioner, Provident Fund , Employment Provident Officer, East Champaran.
6. The Deputy Development Commissioner, East Champaran.
7. The Block Development Officer, Adapur, East Champaran.
8. The Circle Officer, Piprakothi, East Champaran.
9. Panchayat Piprakothi, Through Its Panchayat Secretary, Pipra Kothi, East Champaran.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Anurag Saurav, adv.
Mr. Dharmendra Kumar Paswan, adv.
For the Respondent/s : Mr. Jay Prakash Sharma, A.C. to G.P.-XI

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 13-07-2016

1. In this case, the petitioner is seeking payment of retiral dues such as provident fund, gratuity, leave encashment, group insurance and family pension and claiming that her husband namely Late Vinayak Kumar, Ex. Panchayat Secretary died on 26.09.2011. When the time has come for payment of retiral dues the respondent

authorities started correspondence, showing an amount of Rs.42 lakhs and odd is outstanding against the husband of the petitioner.

2. This Court had referred the matter for inquiry before the Divisional Commissioner, who after thorough inquiry found the outstanding dues against the husband of the petitioner, amounting to Rs.20,77,995/-, which has been challenged in the present application vide Interlocutory Application No.1225 of 2016 and the same is being disposed of by the present order.

3. It will be relevant to quote paragraph Nos. 12 and 13 of the counter affidavit, which read as follows:-

“12. That, it is humbly stated that the Ex-panchayat Secretary Late Vinayak Kumar was earlier posted at Pipra Kothi block of East Champaran District and Rs.2,99,100/- also was paid to him for repairing of Chand Saraiya Talab which has not been adjusted and due against Late Vinayak Kumar is laying till date and the matter related thereto was intimated to the B.D.O., Adapur by the C.O., Pipra Kothi though his letter No.306 dated 05.07.2013 for necessary action and on the basis of the Letter No.306 dated 05.07.2013 the B.D.O. Adapur (deponent) asked the writ petitioner to contact the C.O. Piprakothi, vide Letter No.1175 dated 27.07.2013, with regard to advance money of Rs.2,99,100/- which has not been adjusted till date.

13. That, it is humbly stated that the B.D.O., Adapur



(deponent) in course of inquiry and as per reports of the Panchayat Secretaries, sent a report through his Letter No.1155 dated 21.07.2014 to the District Treasury Officer, Motihari stating therein that Late Vinayak Kumar was posted in Adapur block and was in-charge of two Panchayats Auraiya and Belwa. As per report of the Panchayat Secretary Auraiya Rs.23,79,171/- Belwa Rs.16,10,551/- and as per Letter vide No.306 dated 05.07.2013 issued by the C.O. Pipra Kothi Rs.2,99,100/- total Rs.42,88,822/- has been due on the name of Late Vinayak Kumar, the husband of the writ petitioner.”

4. The petitioner has challenged the veracity of the statement and submitted that some persons are inimical towards her husband, have manipulated and manufactured the documents against her husband. This Court vide order dated 9.12.2014 directed the Commissioner to examine the allegation made by the petitioner that there is no outstanding dues against her husband but purposely these Panchayat Secretaries have manipulated and manufacture the documents against her husband showing purported outstanding dues. This Court directed the Divisional Commissioner to take suitable action against the person or persons concerned, whoever is found involved.

5. The Commissioner has conducted the inquiry and by a reasoned order he has arrived to a finding that an amount of



Rs.20,77,995/- is outstanding against the husband of the petitioner. The petitioner has challenged the finding recorded by the Commissioner by filing Interlocutory Application No.1225 of 2016 on the ground that that there is no outstanding dues against her husband and the Commissioner without examining the materials available on record has recorded the finding that there is outstanding due against her husband, but the real material was not brought before him, but certain persons who are inimical to the husband of the petitioner have manipulated and manufactured the documents allegedly showing defalcation/outstanding dues against the husband of the petitioner.

6. Learned counsel for the petitioner submits that this Court should interfere with the Inquiry Report of the Commissioner and declared that there is no outstanding against the husband of the petitioner.

7. From the Inquiry Report of the Commissioner dated 21.7.2015, it appears that the Commissioner has deeply gone into the materials available on record and arrived to a finding that an amount of Rs.20,77,995/- is outstanding and is required to be recovered from the estate of the husband of the petitioner. As the Commissioner after a detailed inquiry has submitted his Inquiry Report, which is based on

materials placed before him, cannot be said to be perverse order and
disputed question of fact cannot be looked into in the present
proceeding.

8. In such view of the matter, this writ application stands
dismissed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	19/7/2016
Transmission Date	