

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3227 of 2014

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1. Nawal Kishore Singh Son Of Late Barun Singh Resident Of Village -
Jaganathpur, Police Station - Mahnar, District - Vaishali, Hajipur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Department Of Finance, Government of Bihar, Patna
3. The Additional Secretary, Finance Department, Government of Bihar, Patna
4. The Secretary, Health Department, Bihar, Patna
5. The Superintendent, Sri Krishna Medical College and Hospital, Muzaffarpur,
Police Station - Ahiyapur, District - Muzaffarpur
6. The Treasury Officer, Hajipur, Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Debanjan Chowdhary

For The Respondent/S : Mr. Mrigendra Kumar, AC to GA 11

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 30-01-2016

Annexure-2 is the order passed by this Bench in the case
of Bihar State Dresser and Health Workers Union and another v. State
of Bihar & others, decided on 8.2.2013.

Though the Court did not allow any benefit in favour of
the petitioner with regard to a particular pay scale which they were
looking for. However, the order of recovery was set aside and the
difference between the notified pay scale and the actual pay scale
which was sought to be recovered was barred.

In the present case, claim of the petitioner is that a sum
of Rs.86,188/- was recovered from the petitioner's salary under the
same said head. Now, he is entitled in terms of the said decision of

the Court for its refund.

Many a things are being said on behalf of the respondent no.6 as to why he cannot refund that amount in favour of the petitioner i.e. affidavit of the Treasury Officer, Hajipur.

If an order has been passed by the Court, the benefit and fruits both has to accrue in favour of the petitioner. Therefore, the writ application is disposed of with a direction upon the Secretary, Health, Government of Bihar, respondent no.4 as well as the Superintendent, Sri Krishna Medical College and Hospital, Muzaffarpur to ensure that the deducted amount of the salary of the petitioner under the same said head is now refunded to him within a period of three months. The time period indicated above must be adhered to.

(Ajay Kumar Tripathi, J)

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