

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1868 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 10126 of 1998
Along with
Interlocutory Application No.8752 of 2016

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1. The State Of Bihar through the Commissioner-Cum- Secretary, Department of Planning & Development, Government of Bihar.
 2. Commissioner-cum-Secretary, Department of Personnel and Administrative Reforms, Government of Bihar.
 3. Finance Commissioner, Government of Bihar.
 4. Director, Statistics & Evaluation, Department of Planning & Development, Government of Bihar.
 5. Joint Secretary, Finance Department, Government of Bihar.
 6. Joint Secretary, Department of Planning & Development, Government of Bihar.

.... Respondents-Appellant/s

Versus

1. Yogendra Prasad Singh, S/o Late Saryug Singh, Junior Statistical Assistant (Crop Statistical Reforms Branch) Directorate of Statistical and Evaluation, Bihar, Patna.
2. Nityanand Singh S/o Late Saryug Singh, Junior Statistical Assistant Branch Directorate of Statistical and Evalutaion, Bihar, Patna.
3. Mina Prasad, S/o Late Kamta Prasad, Junior Statistical Assistant Directorate of Statistical and Evalutaion, Bihar, Patna.
4. Siya Sharan Prasad, S/o Late Yadu Prasad, Junior Statistical Assistant (Crop Insurance Branch) Directorate of Statistical and Evaluation, Bihar, Patna.
5. Ramchandra Prasad Sinha, resident of Village- Chati Malama PO Bari Malawa Via Barbigha District- Nalanda PS Sarmera.
6. Ram Krishna Pandit, S/o Late Sri Etwari Pandit, Junior Statistical Assistant (Halrith Branch) Directorate of Statistical and Evaluation, Bihar, Patna.
7. Saroj Kr. Upadhyay, S/o Sri Ramadhar Upadhyaya, Vill + P.O. Manjharia PS Buxar District- Buxar, Bihar.

.... Petitioners-Respondent/s

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Appearance :

For the Appellant/s : Mr. Anjani Kumar, AAG-4
Mr. Shailendra Kumar, AC to AAG-4



For the Respondent/s : None

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
And
HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 06-03-2017

Re.: Interlocutory Application No.8752 of 2016

The application is for condonation of delay of 1 year and 158 days in filing of the present Letters Patent Appeal.

For the reasons mentioned in the application, we find that sufficient cause is made out for condonation of delay. Consequently, we condone the delay in filing of the present Letters Patent Appeal.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.1868 of 2016

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 17th March, 2015, whereby the order of recovery for the reason that the time bound promotion has been wrongly granted to the writ applicants was set aside. Learned Single Judge relied upon a Supreme Court judgment reported as State of Punjab & Ors. v. Rafiq Masih (Whitewasher), 2015 (1) PLJR SC 261, holding that after retirement, the recovery could not be effected for wrong payment made during the service period.

We do not find any error in the order passed by the



learned Single Bench. The writ applicants have retired many years ago and after retirement, the recovery from pensionary benefits is sought to be effected in respect of alleged time bound promotion wrongly granted to the writ applicants.

We do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal. The same is, thus, dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	N. A. F. R.
CAV DATE	N. A.
Uploading Date	08.03.2017
Transmission Date	

