

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 18043 of 2016

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Jitendra Kumar, Son of Shri Yadunandan Mahto, resident of Village + P.O.-
Kaindi, P.S.- Halsi, District- Lakhisarai- 811311.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Rural Development, Government of Bihar, Patna.
2. The Principal Secretary, Department of Rural Development, Government of Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The District Magistrate-cum-District Officer-cum- District Collector, Gaya.
5. The Lokpal, MGNREGA, Gaya.
6. The Deputy Development Commissioner, Gaya.
7. The Director, Accounts Administration and Self- Employment, District Rural Development Authority, Gaya.
8. The Block Programme Officer (MGNREGA), Tekari, District- Gaya.

..... Respondents 1st Set.

9. Shri Om Prakash, Junior Engineer, Tekari, District- Gaya.
10. Shri Durga Dutt Kumar, Mukhiya, Gram Panchayat- Bhoari, Block- Tekari, District- Gaya.
11. Shri Gautam Kumar Sinha, Panchayat Rojgar Sewak, Gram Panchayat- Bhoari, Block- Tekari, District- Gaya.
12. Shri Sanjay Kumar, Son of name not known to the petitioner, at present posted as Panchayat Technical Assistant at Block- Wazirganj, District- Gaya.

..... Respondents 2nd Set

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amrit Abhijat & Mr. Manoj Kuamr Gupta, Advocates
For the State	:	Mr. Anjani Kumar, A.A.G. 4 Mr. Sanjay Kumar, A.C. to A.A.G. 4

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 10-01-2017

Heard learned counsel for the parties.

The petitioner is aggrieved by the order as contained
in Memo No. 1121 dated 12.05.2016, by which the respondent no. 6
has directed the petitioner to deposit a sum of Rs. 1,42,074/- within
one week on the ground that it was the proportionate amount payable



by the petitioner for having defalcated an amount of Rs. 5,68,296/-.

Learned counsel for the petitioner submitted that he was responsible for payment of only Rs. 52,812/- and the rest of the amount was approved by his predecessor and, thus, he is liable, if at all, only to his proportionate share out of Rs. 52,812/-, which would come to Rs. 13,203/- only and the impugned order is arbitrary and erroneous. He further submitted that he has already represented before the respondent no. 6, bringing all facts to his notice, but still no action has been taken by the concerned authorities. Learned counsel submitted that the direction to pay the amount, not being in consonance with the factual position as borne out from the records of the case itself, the authorities, with malafide intention, are bent upon taking coercive action against him.

Learned counsel for the State submitted that there was a proper and full fledged enquiry in which the petitioner also took part and after that only the order has been passed.

Having considered the rival contentions, in the opinion of the Court, the petitioner having categorically taken a stand that upon his recommendation only Rs. 52,812/- has been paid, requires due and proper consideration as well as verification of the records by the authority concerned, which does not appear to have been done.



Accordingly, the writ petition stands disposed off with a direction to the petitioner to appear before the respondent no. 6 within three weeks from today along with a copy of this order and a detailed representation. Upon the same being done, the respondent no. 6 shall be obliged to look into the matter with reference to the official records and then pass a reasoned order within four weeks thereafter. The petitioner shall also be given an opportunity of hearing, if so desired by him, to explain the position, and the records may also be shown to him. Till the time the respondent no. 6 passes order, no coercive steps shall be taken against the petitioner.

It is made clear that the Court has not expressed any opinion on the merits of the case which would be decided based on the official records, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

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