IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 21907 of 2014

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Alakhdeo Pandey, S/o Sri Shyamdeo Pandey, resident of Mohalla- Adarsh Colony, Shyamchak, Brahampur Gudri Bazar, P.S- Bhagwan Bazar, District-Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education, Government of Bihar, Patna.
2. The Director, Primary-cum-Secondary Education, Bihar, Patna.
3. The District Programme Officer (Establishment), Saran at Chapra.
4. The Account General, Bihar, Patna.
5. The Headmaster, Roy Sahed Kalika Singh High School, Khalpura, Saran at Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S. K. Jha, Advocate
For the State	:	Mr. Sheo Shankar Prasad, S.C. 8
		Mr. Sanjay Kumar, A.C. to S.C. 8

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 22-05-2017

Heard learned counsel for the petitioner and the State.

2. The petitioner has filed the writ petition for refund of Rs. 71,972/-, which he claims to have been deducted in view of the provisions of FR 22/C.

3. Learned counsel for the petitioner submitted that in view of the order of the Hon'ble Supreme Court dated 16.12.2008, all such deductions were required to be refunded to the persons from whom they were deducted but in case of the petitioner, such refund has not been made.

4. Learned counsel for the State submitted that as per

the averments made in the counter affidavit as well as the own admission of the petitioner, even though such amount is shown to have been deducted in the service book but the Accountant General has sanctioned the entire amount without any deduction. He further pointed out that earlier on the basis of the same material, the petitioner had moved the Court for the same relief in C.W.J.C. No. 9109 of 2013, which was dismissed on 20.11.2013, with the observation that the petitioner could not show any evidence with regard to such deduction and he may have a cause of action, if he gets evidence thereof.

5. Having considered the matter, the Court finds that even today, the petitioner has not come up with any evidence to show that such deduction was actually made as from the records it appears that the Accountant General has sanctioned him the entire gratuity without any deduction.

6. Thus, the Court is unable to pass any positive direction for such payment. However, the petitioner shall be at liberty to represent before the respondent no. 3 within one month from today, along with a copy of this order. If such a representation is filed, the respondent no. 3 shall look into the records and pass appropriate orders recording a finding as to whether Rs. 71,927/- has been deducted from the gratuity paid to the petitioner. If it is found

that such amount has been deducted and not paid to the petitioner, it shall be ensured that the amount is paid to him within four weeks thereafter.

7. The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
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