

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9164 of 2014

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1. Smt. Urmila Devi Wife of late Sheo Nandan Srivastava
 2. Anni Kumar Daughter of late Sheo Nandan Prasad Srivastava
 2. Pooja Kumari Daughter of late Sheo Nandan Prasad Srivastava
 3. Priti Kumari Daughter of late Sheo Nandan Prasad Srivastava
 4. Arun Kumar Sinha Son of late Sheo Nandan Prasad Srivastava
 6. Ramjee Prasad Srivastava Son of late Sheo Nandan Prasad Srivastava
 7. Amit Kumar Son of late Sheo Nandan Prasad Srivastava

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate-Cum-District Collector, Buxar.
3. The Additional Collector (Establishment), Buxar Collectorate, Buxar.
4. The Deputy Collector Land Reforms, Buxar.
5. The Block Development Officer, Brahampur Block, District - Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vishwambhar Prasad

For the Respondent/s : Mr. Gautam Bose

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

5 03-11-2017 Heard Mr. Siyaram Shahi, learned counsel appearing on behalf of the petitioners and the learned counsel, Mr. Dinesh Maharaj, A.C. to A.A.G. 11 appearing for the respondents.

The petitioner has filed this writ petition for return of the dues, Rs.57,516/- with interest. During the pendency of this writ petition, petitioner, Sheo Nandan Prasad Srivastava died and his legal heirs were substituted by order dated 31.08.2017.

The learned counsel for the petitioners submits that late Sheo Nandan Prasad Srivastava worked as Nazir in Brahampur



Block and he was put under suspension on the allegation of defalcation of money. Brahampur P.S. Case No.73 of 1987 was registered under Section 409 and other Sections of I.P.C. Departmental proceeding was also initiated. The inquiry officer submitted report but even after revocation of suspension of the petitioner, no final order was passed on the departmental enquiry and consequently petitioner moved this Court in CWJC No.1103 of 2006. This Court vide order dated 20.11.2006 directed the Collector to pass final order on the departmental proceeding. Consequent thereupon, the disciplinary authority dropped the departmental proceeding. The petitioner was exonerated in the departmental proceeding. The petitioner was also acquitted in Brahampur P.S. Case No.73 of 1987, however money deposited by the petitioner in the office was not returned to the petitioner but it appears from perusal of the records that the petitioner did not furnish any chit of paper showing any amount deposited by the petitioner during the course of departmental enquiry against the so called alleged defalcation made by the petitioner. Therefore, in absence of any papers, I find myself unable to issue any direction for refund of money to the petitioner.

Accordingly, I do not find any merit in this case and the writ petition is dismissed but at the same time, I direct the



Collector that if any representation is filed by the petitioner with regard to refund of money, if any deposited by the petitioner and for any other reliefs for which Sheo Nandan Prasad Srivastava was entitled to get, the Collector shall dispose of such representation within four months from the date of filing of such representation.

(Prabhat Kumar Jha, J)

Saurabh/-

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