

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14153 of 2015

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Kaushal Kumar Verma, aged about 66 years, Son of Late Tulsi Narayan Labh, resident of Village- Dhurlakh, Police Station Warish Nagar, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, having its office in Vikas Bhawan, Police Station Sachivalaya, District Patna.
2. The Deputy Secretary, Urban Development and Housing Department, having his office in Vikas Bhawan, Police Station Sachivalaya, District Patna.
3. The Special Officer on Duty, Urban Development and Housing Department, having his office in Vikas Bhawan, Police Station Sachivalaya, District Patna.
4. The Finance Commissioner, Finance Department, Old Secretariat, Police Station Sachivalaya, District Patna.
5. The Chairman-cum- Managing Director, Bihar State Housing Board, having his office in 6 Mangles Road, Police Station Sachivalaya, District Patna.
6. The Secretary, Bihar State Housing Board, having his office in 6 Mangles Road, Police Station Sachivalaya, District Patna.
7. The Executive Engineer, Bihar State Housing Board, Division No.3, having his office in Bhoot Nath Ashram, Bahadurpur, Police Station Agamkuan, District Patna.
8. The Treasury Officer, Secretariat Treasury, having his office in Vikas Bhawan, Patna.
9. The Accountant General (Accounts and Entitlement), Bihar, Patna, having his office in Virchand Patel Path, Police Station Kotwali, District Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rupak Kumar
For the Respondent State: Mr. Manoj Kumar, AC to GP-24
For the Accountant General : Mr. Arun Kumar Arun, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

3 19-08-2017 The issue now left in the present writ application is decision of the respondent authorities especially contained in Annexure-1 dated 11.07.2014 where a recovery of Rs.5,76,409.00 has been ordered on account of excess



withdrawn due to non passing of Hindi noting and drafting examination by the petitioner. Rest of the issues stand settled in view of the previous round of litigation and order passed in favour of the petitioner in C.W.J.C. No. 17445 of 2010.

The short and precise submission of the counsel for the petitioner is that keeping in mind the decision of the Hon'ble Apex Court rendered in the case of *State of Punjab Vs. Rafiq Masih* reported in **2015(4) SCC 334** and the parameters laid down therein with regard to the recovery, the petitioner fulfills the condition. He was a Class-III employee and the recovery is sought to be made after more than five years of his retirement and that too with regard to a component which was extended to him by the respondents themselves. Not only this, the learned single Judge in the previous round of litigation has taken note of the endorsement and entry in the service book regarding exemption of the petitioner regarding passing of Hindi noting and drafting. The impugned order contained in Annexure-1 dated 11.07.2014, Annexure-2 dated 07.08.2014 and dated 08.10.2015 contained in Annexure-3 stand quashed. The recovery, if made in terms of the said decision, would be required to be refunded to the petitioner preferably within a period of eight weeks from the date of production of a copy of



this order.

Writ stands disposed of in terms of the above.

(Ajay Kumar Tripathi, J)

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