

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.2300 of 2015

In

Civil Writ Jurisdiction Case No.10601 of 2008

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Ramanand Singh, son of Late Ram Suhawan Singh, resident of village-
Chanakya Colony, Police Station- Parsa Bazar, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Commissioner, Water Resources Department, Sinchai Bhawan,
Secretariat, Patna.
3. The Chief Engineer Mechanical, Water Resources Department, Patna.
4. The Superintending Engineer Mechanical, Water Resources Department
Mithapur, Patna.
5. The Executive Engineer Mechanical Field Machinery Division, Digha, Patna
Camp Office, Karbigahiya.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjeev Kumar Singh, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-11-2017

By an order passed on 30.05.2008, recovery of Rs.1,23,473/-
was ordered from the salary of the petitioner at an equal instalment
of Rs.7,000/- per month. Recovery was ordered in view of the fact



that the petitioner's promotion granted and fixation in the higher pay scale was wrongly done. The period for which the amount was to be recovered was from 1981-1996. Be that as it may be, when the aforesaid order was passed, the petitioner submitted an appeal in the form of mercy appeal and indicated that if Rs.7,000/- is recovered from his salary he would be suffering financially and, therefore, requested for recovery of Rs.3,000/- per month. This was accepted and after recovering Rs.3,000/- per month, the entire amount has been recovered. When the matter went before the learned Writ Court, learned Court found that the petitioner himself having accepted the recovery of Rs.3,000/- per month and the entire recovery has been made on the basis of acceptance letter given by the petitioner on 3rd of June, 2008, no relief can be granted to the petitioner and the writ petition was dismissed.

Today, when the matter is taken up, learned counsel invites our attention to the law laid down by Hon'ble Supreme Court in the case of **State of Punjab v. Rafiq Masih (White Washer)**, 2015 (1) PLJR 261 (SC), and argues that the recovery is unsustainable. In the present case, the petitioner himself submitted to the recovery sought for modification of the recovery amount, now we find that the entire recovery has been effected much



before 2015 when the laid down in the case of **Rafiq Masih (White Washer) (supra)** came into force.

In view of the peculiar facts and circumstances when the entire amount has been recovered in view of the appeal filed by the petitioner himself, now we are not inclined to interfere into the matter as the order for recovery has been given effect to and the entire recovery has been made.

Accordingly, the appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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