

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.6344 of 2013

Arising out of

Civil Writ Jurisdiction Case No. 12518 of 2013

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Irshad Ahmad Son Of Khalil Ahmed Resident Of Sabeyah, P.S.- Ramnagar, Distt.-
West Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sri B. Rajendar, Principal Secretary, Rural Works Department, Govt. Of Bihar,
Vishwesaraiya Bhawan, Bailey Road, Patna
3. Sri Alok Kumar, Under Secretary to The Government, Water Resources
Department, Govt. Of Bihar
4. Sri Ram Jee Choudhary, Chief Engineer No. 3, Rural Works Department,
Vishwesaraiya Bhawan, Bailey Road, Patna
5. Sri Arvind Kumar Singh, Superintending Engineer, Rural Works Department,
Siwan Circle, Siwan
6. Sri Upendra Narayan, Executive Engineer, Rural Works Department, Works
Division 2, Siwan
7. Sri Kailu Sardar, Chief Engineer, Water Resources Department, Bhagalpur

.... Opp. Party/s

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Appearance :

For the Petitioner	:	Mr. Surendra Kumar Singh, Advocate
For the State	:	Mr. Lalit Kishore, PAAG-1 with Mr. Parth Sarthi, GA-4 and Mr. Utsav Kumar, AC to GA 4

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 17-02-2017



Heard learned counsel for the petitioner and Mr. Lalit Kishore, learned Principal A.A.G.-1, assisted by Mr. Parth Sarthi, learned G.A. 4 for the State.

Pursuant to order dated 15.02.2017, the Secretary, Rural Works Department, Government of Bihar is also present. 3rd supplementary show cause has been filed on his behalf.

From the submissions made at the Bar, it finally boils down that, as of now, the Rural Works Department, after considering the materials which were available with them, has been able to do the accounting and still about Rs. 9 Lakhs remains as due against the petitioner which has to be adjusted/recovered.

Learned counsel for the petitioner submitted that initially the dues were Rs. 31 Lakhs but after adjustment, now the figure has come down to about Rs. 9 Lakhs, which indicates that earlier the records were not properly verified.

In such view of the matter, the Court can only observe that the authorities themselves, after finding the vouchers/documents/materials which had already been submitted by the petitioner, have scaled down the earlier demand of Rs. 31 Lakhs to about Rs. 9 Lakhs which clearly demonstrates that there was huge gap between the initial demand raised against the petitioner and what has now been found against him. At this stage, when learned counsel



for the petitioner submitted that even the remaining amount of about Rs. 9 Lakhs is explained through vouchers already submitted, the Secretary intervened and submitted that he is ready to once again direct the Chief Engineer to go through the exercise of re-verification, with the assistance of the petitioner, and whatever vouchers remain to be reconciled, the same shall be taken into account. The Court considers the stand to be fair.

Accordingly, the application stands disposed off with liberty to the petitioner to appear before the Secretary, Rural Works Department, along with a copy of this order within three weeks from today. The Secretary shall then entrust the matter to a senior and competent person who shall go through the exercise, with the assistance from the petitioner, of either locating the vouchers, which according to the petitioner, have been submitted and also giving an opportunity to the petitioner to submit the same, if already not submitted. The said exercise be completed within three weeks from the date the matter is entrusted to the officer by the Secretary. A report shall then be submitted to the Secretary, who at his level, if required, may seek clarification from the petitioner and thereafter issue L.P.C. in terms of the ultimate result of the exercise. The same shall be done within one month of the report being submitted to the Secretary. Further, it goes without saying that with regard to the



outstanding unpaid salary, re-computation shall be made, with the assistance of the petitioner. The same shall then be also taken into account while taking a final decision with regard to either any outstanding against the petitioner or any amount which may be required to be paid to the petitioner.

Personal appearance of the Secretary, Rural Works Department stands dispensed with.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	N/A
Uploading Date	18-02-2017

