IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2686 of 2016

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Umesh Kumar Paswan Son of Late Suraj Paswan, resident of Mohalla Laxmi Sagar, P.S. L.N.M.U. District- Darbhanga.

.... Petitioner/s

Versus

1. General Manager Commercial Eastern Central Railway, Hazipur
2. Senior Divisional Rail Manager Commercial Samastipur, Bihar
3. Divisional Rail Manager Commercial Samastipur, Bihar
4. Senior Section Engineer, Works Darbhanga, District- Darbhanga, Darbhanga Railway Station, Darbhanga
5. Assistant Divisional Engineer, Commercial, Darbhanga Railway Station, Darbhanga
6. Central Commercial Inspector, Darbhanga, District- Darbhanga, Darbhanga Railway Station, Darbhanga
7. Station Manager, Darbhanga Railway Station, Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Shahnawaz Ali

For the Respondent/s : M/s Bindhyachal Singh and Manish Prakash

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

5 18-04-2017 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is challenging the action of the respondent-authority of making certain deduction from the security amount, as it appears from the record that the petitioner was given a place for running a ‘Taxi’ Stand for the period from 18.06.2010 to 17.06.2010, which was for three years. While returning the security amount of Rs.32,00,000/-(Thirty two lacs rupees), the Railway Administration has made a statutory deduction from that amount in the nature of Rs. 47,635/- as levied as late fine on deposit of license fee Rs. 6,000/- as irregularities, Rs.71,680/- as Income Tax and Rs.2,06,307/- as Service Tax, which total comes to Rs. 3,31,622/-.

The counsel for the petitioner submits that neither in the agreement nor in the tender document, there is such stipulation of deduction of Income Tax and Service Tax.

Having considered the rival contentions of the parties, the Income Tax and Service Tax are the statutory in nature and those are to be deducted from the source itself. If the petitioner feels that it has wrongly been done, he may take a legal recourse as available in law.

With the above observation, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

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