

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8509 of 2014

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1. Mahendra Pandit son of Late Bhubneshwar Pandit Resident of Mohalla - Pokharia, P.S. Begusarai (Town), Distt. - Begusarai at presently posted as Junior Engineer Building Structure Division - 2, Patna

.... Petitioner/s

Versus

1. The State of Bihar, through Secretary - cum - Commissioner Rural Works Department, Government of Bihar, Patna
2. The Deputy Secretary, Rural Works Development Government of Bihar, Patna
3. The Chief Engineer, Rural Works Department, Bihar, Patna
4. The Superintending Engineer, Supervision and Vigilance, Rural Works Department, Bihar, Patna
5. The Executive Engineer, Rural Works Department, Works Division, Khagaria
6. The Assistant Engineer, Rural Works Department, Works Division, Khagaria
7. Sri Anil Kumar Jha, the then Junior Engineer, Rural Works Department, Works Division, Khagaria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Respondent/s : Mr. GP32- H. KUMAR

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 09-08-2017

Heard both sides.

The petitioner seeks quashing of the letter No. 1468 dated 13.12.2012 by which the representation of the petitioner has been disposed of and FIR was directed to be lodged against the petitioner and departmental proceeding was also initiated against him for keeping the advance with him.

The petitioner was posted as Junior Engineer, Khagaria and he was transferred to Samastipur but his last pay certificate was not issued. The petitioner filed CWJC No. 3587 of 2003 for direction to the respondents to issue last pay certificate to the petitioner. This court vide order dated 18.04.2003 disposed of the writ petition, CWJC No. 3587 of 2003, directing the petitioner to file



representation before the concerned authorities at Khagaria for issuance of last pay certificate and the concerned authorities shall dispose of the representation of the petitioner with liberty to them that if anything was lying due against the petitioner, the authorities may take appropriate action, in accordance with law. The petitioner again filed CWJC No. 9826 of 2005 for issuance of last pay certificate. During the pendency of CWJC No. 9826 of 2005 last pay certificate was issued on 31.01.2007 with endorsement that large amount is lying due against the petitioner. This court vide order dated 27.02.2007 disposed of the writ petition observing that the State Government may initiate proceeding against the petitioner either under Section 55 or Section 55A of the C.C.S. Rules and proceed for recovery of the amount lying due against the petitioner instead of making entry in the last pay certificate. The respondents were directed to make payment of salary to the petitioner on the basis of the last pay certificate ignoring the endorsement in the last pay certificate. Thereafter, the departmental proceeding was initiated and the FIR was lodged against the petitioner, besides the proceeding for recovery of the amount lying due against the petitioner. The petitioner again filed CWJC No. 9516 of 2012 for quashing the letter No. 11188 dated 28.07.2011 and its consequential memo No. 150 (Anu)/Khagaria dated 31.12.2012 whereby FIR was directed to be lodged against the petitioner if the advance taken by the petitioner is not recovered. This court vide order dated 09.07.2012, while disposing of the writ petition, directed the authorities to dispose of the representation of the petitioner. By the letter No. 1468 dated 13.12.2012 (Annexure-26) representation of the petitioner has already been disposed of.

The learned counsel for the petitioner submits that petitioner has already deposited the entire amount but even then the representation of the petitioner has not been disposed of in the light of order of this court passed in



CWJC No. 9516 of 2012.

Having considered the submission of the learned counsel for the petitioner and on perusal of the records, it appears that this court vide order dated 09.07.2012 passed in CWJC No. 9516 of 2012 directed the respondents to dispose of the representation of the petitioner. The writ petition of the petitioner has already been disposed of. The petitioner being Junior Engineer jointed at Samastipur from Khagaria but he did not complete different works for which he had taken huge advance from the department. The authorities disposed of the representation of the petitioner and ordered for initiation of departmental proceeding as well as proceeding for recovery of the amount lying due against the petitioner. FIR was also directed to be instituted as the petitioner is alleged to have defalcated huge amount.

Since the authorities have already disposed of the representation of the petitioner, therefore, I do not find any reason to interfere in the order. This writ petition is, accordingly, dismissed as devoid of any merit.

(Prabhat Kumar Jha, J)

BKS/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	17.08.2017
Transmission Date	N.A.

