

# IN THE HIGH COURT OF JUDICATURE AT PATNA

## Civil Writ Jurisdiction Case No.4809 of 2017

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Khagendra Paswan, son of Late Bhaskar Paswan, resident of village - Maheshi,  
Post - Tilakpur, Police Station - Sultanganj, District - Bhagalpur.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj, Bihar, Patna.
2. Director, Panchayati Raj, Bihar, Patna.
3. District Magistrate, Bhagalpur.
4. District Panchayati Raj Officer, Bhagalpur.
5. Block Development Officer, Kahalgaon, Bhagalpur.
6. Sub Divisional Officer, Kahalgaon, Bhagalpur.
7. Block Development Officer Gopalpur, Bhagalpur.
8. Sub Divisional Officer, Naugachia, Bhagalpur.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Ms. Pravina Kumari, Adv.

For the Respondent/s : Mr. Satyeshwar Prasad, AC to SC-7

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**

ORAL JUDGMENT

**Date: 31-10-2017**

Heard Ms. Pravina Kumari, learned counsel appearing for  
the petitioner and Mr. Satyeshwar Prasad, learned Assisting  
Counsel to Standing Counsel No.7 for the State.

The petitioner, holding the post of Panchayat Secretary  
prays for an appropriate direction to the Block Development  
Officer, Gopalpur, the respondent no.7 to release the salary of the  
petitioner due since 1.2.2014 until date.

A counter affidavit is filed and at paragraph 5 thereof it is  
stated that the petitioner was posted as Panchayat Secretary in  
Kahalgaon Block until 23.5.2014 and was incharge of two  
Panchayats, namely, Kodawar and Bholser. It is further stated that  
during the period he was given advance for execution of schemes



under both the Panchayats but he failed to submit the vouchers of expenditure. The chart given in the counter affidavit would show that an amount of Rs.1,39,600/- is outstanding against the name of the petitioner by way of advance. It is thus mentioned that since the petitioner failed to account for the said money advanced to him nor has submitted vouchers despite reminder that the salary of the petitioner has been withheld. It is further stated that the petitioner has been transferred from Kahalgaon Block to Gopalpur Block on 23.5.2014 where he has joined but he has again neither reported about the unused money nor submitted the bills/vouchers for the expenditure.

Learned counsel appearing for the State has invited the attention of this Court to the documents at Annexure 'C' series to submit that the Last Pay Certificate has since been forwarded by the Block Development Officer, Kahalgaon to the Block Development Officer, Gopalpur along with the service book but the fact remains that the advance amount yet remains outstanding against the petitioner.

Ms. Pravina Kumari, learned counsel appearing for the petitioner on instruction has submitted, that the respondents can deduct the said amount from the arrear salary of the petitioner and release the balance salary in his favour but such submission is coming orally without any affidavit on record.



In the circumstances so taken note of I deem it proper to dispose of the writ petition with liberty to the petitioner to file an application before the Block Development Officer, Gopalpur permitting him to deduct the outstanding amount of Rs.1,39,600/- from the arrears salary payable and to remit the same to the Block Development Officer, Kahalgaon for adjusting and writing off the advance received by the petitioner in respect of two Gram Panchayats, namely, Kodawar and Bholser under Kahalgaon Block and for release of the balance salary admissible to the petitioner.

It goes without saying that any such application filed by the petitioner would be considered and disposed of by the Block Development Officer, Gopalpur in accordance with law expeditiously and preferably within a period of four weeks from the date of filing of such representation.

The writ petition is disposed of accordingly.

**(Jyoti Saran, J)**

SKPathak/-

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