

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 10000 of 2016

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Jagannath Pandey Son of Late Laxmi Narain Pandey, Resident of Mohalla- Bazar
Sammitti Road, Mahatama Gandhi Nagar, P.O. Gajadharganj P.S. Buxar, (Model)
District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Water Resources Department, Government of Bihar,
Patna.
3. The Engineer-in-Chief, (South), Water Resources Department, Bihar, Patna.
4. The Chief Engineer(Mechanical) Water Resources Department, House No.
70/84 New Punaichak, Patna- 800023.
5. The Superintendent Engineer (Mechanical) Irrigation Mechanical Circle,
Ratwara Colony (Ramana) Director, Muzaffarpur.
6. Executive Engineer, Irrigation Mechanical Division, Gandak Yojana
Valmikinagar, District West Champaran Bettiah.
7. The General Provident Fund Officer, Bettiah, District- West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Atul Kumar Pandey, Advocate
For the State : Mr. Birju Prasad, G.P. 13
Mr. Ashok Kumar, A.C. to G.P. 13

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 03-01-2018

Heard learned counsel for the petitioner and the State.

2. In view of the materials on record, the Court finds that



payment of the admitted retrial dues of the petitioner, which was held up due to non furnishing of 'No Objection Certificate' stands complied with as the said 'No Objection Certificate' has been sent to the concerned treasury for payment. Thus, no order is required to be passed in the present writ petition and accordingly, the same stands disposed off.

3. However, in view of the stand taken by learned counsel for the petitioner that about Rs. 20,000/- has been deducted from the retiral benefits of the petitioner on account of certain articles having gone missing and the said were articles which would have in the normal course of time perished, like brooms etc., after 36 years, when the petitioner finally gave charge, the same could not be expected to remain in the store, and accordingly, in terms of Government circular itself, benefit has to be given to the petitioner. In view of such stand, the Court can only observe that it shall be open to the petitioner to file a detailed representation before the respondent no. 6 raising such objection with regard to deduction and also showing that such items/ goods are perishable and, thus, the loss cannot be attributed to the petitioner after 36 years and further, that the petitioner was not responsible for non handing over of charge as despite repeated attempts, nobody was ready to take charge. If such a representation is filed within four weeks from today, the respondent



no. 6 shall look into the matter and if the contention of the petitioner is found correct, consequential orders shall be passed within three weeks thereafter.

(Ahsanuddin Amanullah, J.)

P. Kumar

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