

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1792 of 2014

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Mahendra Ram S/O Late Prem Lal Ram R/O Yarpur Ambedkar Colony, P.S.
Gardanibagh, District - Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary Revenue & Land Reforms Department, Government Of Bihar
3. Under Secretary, Revenue & Land Reforms Department, Government Of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar, Advocate
For the State : Mr. Raghwanand, GA 11

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 29-06-2018

Heard learned counsel for the petitioner and the respondent State.

2. The writ petition has been filed challenging the recovery of an amount of Rs. 73,241/- being the amount of statutory interest due upon the Government in respect of retiral dues of one Gauri Shankar Prasad Karn under orders of the High Court passed in the C.W.J.C No. 157 of 2012.

3. The petitioner who was then posted as Assistant-cum-Cashier in the Revenue and Land Reforms Department has been held liable for this interest since despite of the fact that Bank draft in respect of dues of the said Gauri Shankar Prasad Karn has been prepared in the year 2009 the same was not paid till 2012.

4. Counsel for the petitioner has submitted that during



pendency of the writ petition, the State Government has sanctioned the said amount under letter dated 14.09.2017 Bearing memo No. 700 issued by the Deputy Secretary to the Government of Bihar in the Land and Revenue Department. He submits that in light of the said order he would approach the Department for refund of the amount of Rs. 73,241/- claimed by the petitioner. Since the Department has already sanctioned the amount, he wants to file a representation to this effect before the respondent no. 2, the Principal Secretary, Revenue and Land Department Government of Bihar.

5. If such a representation is filed within a period of 2 weeks from today, it would be incumbent upon the Respondent No. 2 to take a final decision in respect of the claim of the petitioner and dispose off the same by a reasoned and speaking order within a period of 8 weeks thereafter.

6. However, this Court makes it clear that the observations in the instant case shall not be treated as expression on the merit of the case.

7. The writ petition is disposed off.

(Madhuresh Prasad, J)

Prakash/-

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CAV DATE	
Uploading Date	
Transmission Date	

