

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2004 of 2004

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Ram Chandra Mishra & Anr

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Dhar Jha, Advocate

For the Respondent/s : Mr. S.N. Ravi, A.C. to G.P.2

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6. 08-02-2018

Learned counsel for the petitioners as well as learned counsel for the State are unanimous in their contention that this matter is covered by order dated 08.02.2013 passed by a co-ordinate Bench of this Court in CWJC No. 2438/2000. Petitioner no. 1 has already retired from service in the year 2009, and so far as petitioner no. 2 is concerned, learned counsel for the petitioners submits that he has no information as to him.

Be that as it may, since the parties are unanimous that the matter is covered by the order of learned co-ordinate Bench, this writ application is also disposed off in terms of the order dated 08.02.2013 passed in CWJC No. 2438/2000. Learned counsel submits that even though there was an order of stay of further recovery in pursuance of the impugned order dated 02.01.2004, the respondents have stopped payment to the extent of the



amount allegedly found to have been excessively paid to the petitioner while settling the post retiral dues of the petitioner.

It is made clear that since there is a specific order by the learned co-ordinate Bench in CWJC No. 2438/2000 that *“any benefit granted contrary to the notified pay scale may not be recovered in this distant time frame as it will be inequitable now to do so, since majority of them have retired now or are at the verge of retirement.”* If the respondents have stopped or recovered any amount which the petitioner had received earlier, the same shall be liable to be refunded to the petitioner.

So far as Annexure-2 to the writ application is concerned, the last part of Annexure-2 by which the amount of Rs. 146164/- in respect of petitioner no. 1 and Rs. 93643/- in respect of petitioner no. 2 which are said to have been recoverable from the petitioner shall not be recovered.

This writ application stands disposed off.

(Rajeev Ranjan Prasad, J.)

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