

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7953 of 2014

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Narain Prasad Singh son of Late Hanshi Prasad Singh resident of Village and P.O.
Bishanpur Jichho, Dist.- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary Agricultural Department, Govt. of Bihar, Patna- 1
3. The Joint Director of Agriculture, Agriculture Department, Bhagalpur
4. The Agriculture Director, Agriculture Department, Govt. of Bihar, Patna- 1
5. The Account General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Advocate
For the Respondent/s : Mr. Subhash Chandra Mishra, SC 16

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 10-08-2018

Heard learned counsel for the petitioner and the respondent
State.

2. It is submitted by learned counsel for the petitioner that
recovery of Rs. 51,069/- from the retiral dues of the petitioner has
been inflicted under the order dated 0502.2004 issued by the Joint
Agricultural Director, Bhagalpur.

3. Position is not disputed in the counter affidavit. The
respondents have not asserted that any show cause or any opportunity
was given to the petitioner prior to the said recovery. Law is well
settled that any order visiting a person with civil consequences as in
the instant case can be passed at least after affording him an



opportunity of hearing and only after complying with the Principles of natural Justice.

4. In view of this limited issue, the writ petition is allowed. Since admittedly no opportunity was given to the petitioner prior to the said recovery. Let respondents return the said amount to the petitioner within a period of eight weeks from the date of receipt/production of a copy of this order.

5. Counsel for the petitioner prays that he may be awarded some interest. It would be open to the petitioner to approach the appropriate forum for claiming his interest.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

