

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1901 of 2016

In
Civil Writ Jurisdiction Case No.17657 of 2015

=====

Mahendra Prasad Son of Late Bhattan Prasad resident of Village Paein, Police Station Sheikhpura, District - Sheikhpura.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Vishweswaraiya Bhawan, Patna.
2. The Principal Secretary, Finance Department, Old Secretariat, Patna.
3. The Chief Engineer, National Highway Wing, Road Construction Department, Vishweswaraiya Bhawan, Patna.
4. The Superintending Engineer, National Highway Circle, Road Construction Department, Vishweswaraiya Bhawan, Patna.
5. The Executive Engineer, National Highway Division, Gulzarbagh, Patna.
6. The Deputy Secretary, Road Construction Department, Vishweswaraiya Bhawan, Patna.
7. The Treasury Officer, Secretariat Treasury, Vishweswaraiya Bhawan, Patna.
8. The Accountant General (Accounts & Entitlement), Bihar, Patna, Birchand Patel Path, Police Station Kotwali, District Patna.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Rupak Kumar, Adv.

For the Respondent/s : Mr. Ashok Kumar Dubey, A.C. to AAG11

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

20 22-11-2018

Heard Shri Rupak Kumar, learned counsel for the appellant and Shri Ashok Kumar Dubey for the State.

Learned counsel for the appellant has brought before us the letter dated 27th September, 2018 issued by the Executive Engineer concerned addressed to the Treasury Officer, Patna about making certain recovery from the emoluments that are payable to the appellant. Learned counsel



submits that as a matter of fact the relief that was prayed for in the writ petition giving rise to the present appeal has already been satisfied with the payments having been transmitted to the bank but on account of the recovery order now passed the matter will have to be again questioned before this Court. He prays therefore that the appellant may be granted a liberty to challenge the said communication dated 27th September, 2018.

Accordingly, this appeal is consigned to the records as having become infructuous in view of the subsequent developments without prejudice to the rights of the appellant to question the correctness or otherwise of the order of recovery passed against the appellant or for any other payments to which he is entitled in accordance with law.

(Amreshwar Pratap Sahi, CJ)

(Jyoti Saran, J)

Bibhash/-

U			
---	--	--	--

