

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17060 of 2017

=====

Nakul Kumar Sudhanshu, Son of Late Sheo Nath Rajak, resident of Flat No. C-3, Gupteshwar Mansion Kavi Raman Path, East Boring Canal Road, Patna, P.S. - Budha Colony, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Scheduled Caste and Scheduled Tribe Welfare Department, Patna.
2. Joint Secretary, Scheduled Caste and Scheduled Tribe Welfare Department, Patna.
3. Principal Secretary, Social Welfare Department, Government of Bihar, Secretariat, Patna.
4. District Magistrate, Patna.
5. District Welfare Officer, Patna.
6. Bihar State Food and Civil Supplies Corporation through its Managing Director.
7. District Manager, State Food Corporation, Patna.
8. Sub-Divisional Officer-cum-Certificate Officer, Patna City.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Kishore Kumar Thakur
Mr. Rajesh Kumar, Advocates
For the Respondents : Mr. Kaushal Kumar Jha -AAG8
For the BSFC : Mr. Sanjeev Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-01-2018

Heard learned counsel for the petitioner as well as learned counsel for the respondents.

2. The present writ petition has been filed for setting aside the order contained in Letter No. 69 dated 20.07.2017 issued by the respondent Sub-Divisional Officer-cum-Certificate Officer, Patna City, by which, without considering the written objection filed by the petitioner under section 9 of the Bihar and Orissa Public Demand Recovery Act, 1914 as also, without passing any order on the same, as



envisaged under section 10 of the said Act, he has presumed that an amount of Rs. 5,98,338.60 paise (Rupees Five lacs Ninety Eight Thousand Three Hundred Thirty Eight and Sixty paise only) is to be recovered from the monthly salary of the petitioner.

3. Learned counsel for the petitioner submits that a notice under Section 7 of the Bihar and Orissa Public Demand Recovery Act, 1914 (for short, "PDR Act") dated 12.04.2016 (Annexure-3) has been issued for recovery of an amount of Rs. 7,78,987/- and pursuant thereto, the petitioner has filed his objection petition under Section 9 of the PDR Act on 27.05.2016 (Annexure-4) as well as supplementary objection petition filed on 30.08.2017 (Annexure-5). Without disposing of the same, however, the Certificate Officer has been proceeding for recovery of the dues from the petitioner.

4. Having regard to the nature of the grievance, this Court directs that in case the objection petition as well as supplementary objection petition (Annexures 4 and 5) said to have been filed under Section 9 of the PDR Act are still pending, the Certificate Officer, Patna City (respondent no. 8) shall dispose of the same having regard to the provisions of Section 10 of the PDR Act. Until disposal of the objection petition as well as supplementary objection petition, the Certificate Officer, Patna City shall not proceed for recovery of the dues from the petitioner in connection with Certificate Case No. 29 of 2014-15. The salary of the petitioner shall also not remain withheld for the time



being until disposal of the objection petitions.

5. The writ petition accordingly stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	09.01.2018
Transmission Date	N.A.

