

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4962 of 2017

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Shakuntala Devi, W/o Late Sita Ram Prasad, R/o Village- Tezabigha, P.O.-
Dahpar, P.S.- Noorsarai, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Human Resources Development Department, Government of Bihar, Patna.
2. The Registrar, Magadh University, Bodh Gaya.
3. The Finance Officer, Magadh University, Bodh Gaya.
4. The Senior Auditor, Magadh University, Bodh Gaya.
5. The Deputy Director (Auditing Cell), Human Resources Development Department, Government of Bihar, Patna.
6. The Principal, Sardar Patel Memorial College, Udantpuri, Biharsharif, Nalanda.

.... Respondent/s

With

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Civil Writ Jurisdiction Case No. 17027 of 2016

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Most. Shakuntala Devi W/o Late Dr. Sita Ram Prasad Resident of Village -
Nadiauna, P.S. Noorsarai, District – Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, High Education, Human Resources Development Department, Government of Bihar, Patna.
2. That Vice - Chancellor, Magadh University, Bodh Gaya, District Gaya.
3. The Registrar, Magadh University, Bodh Gaya, District Gaya.
4. The Finance Officer, Magadh University, Bodh Gaya, District Gaya.
5. The Principal, Sadar Patel Memorial College, Biharsharif, District Nalanda
6. The Bursar, S.P.M.C., Biharsharif, Nalanda.

.... Respondent/s

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Appearance :

(In CWJC No.4962 of 2017)

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

(In CWJC No.17027 of 2016)

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 15-01-2018



Heard learned counsel for the petitioner; State and Magadh University (hereinafter referred to as the 'University').

2. The petitioner is aggrieved by recovery of Rs. 5,10,543/- from her pensionary benefits attributable to excess payment made in service to her late husband.

3. From the pleadings, it transpires that earlier the husband of the petitioner had moved the Court for the same relief in C.W.J.C. No. 20007 of 2010, during the pendency of which he passed away and the petitioner was substituted. The said case was disposed off by order dated 02.07.2015 upholding the decision to recover the amount with the observation that the same be done in easy installments and if any bulk payment becomes admissible to the petitioner on account of any arrears that may be adjusted towards the excess amount.

4. Pursuant to the same, the University has also come out with the stand under its letter No. 165 dated 13.02.2017, duly communicated to the petitioner, either to return the excess amount of Rs. 5,10,545/- or in the alternative the University shall recover the same in easy installments from her family pension. As far as payment of 12% interest on C.P.C., it has been explained in the counter affidavit filed on behalf of the University that part of it has been paid and rest adjusted towards the recoverable amount.



5. Learned counsel for the University submitted that there has neither been any refund of the money by the petitioner and the University has also not started recovery by deducting the amount from her family pension, but as per the earlier order of the Court dated 02.07.2015, such recovery has been upheld.

6. Having considered the matter, the writ petitions stand disposed off with liberty to the University to fix easy installments of recovery from the family pension of the petitioner in terms of the earlier order of the Court dated 02.07.2015 passed in C.W.J.C. No. 20007 of 2010.

(Ahsanuddin Amanullah, J.)

P. Kumar

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