

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19161 of 2017

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Ramanand Singh, Son of Sri Gulzar Prasad Singh, Resident of Village/Mohalla-
Saket Niwas, Lakhipur, P.S.- Manpur, Dist.- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. Principal Secretary, Road and Construction Department, Government of Bihar, Patna.
3. Additional Secretary through the Government, Road Construction Department, Government of Bihar, Patna.
4. Accountant General, Bihar, Patna.
5. District Treasury Officer, Madhubani.
6. Deputy Secretary, Lokayut, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar with Mr. Arvind Kumar Sharma, Advocate
For the State	:	Mr. Ranjan Kumar Singh, AC to AAG 2
For the Accountant General	:	Mr. Binod Kumar Labh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 10-07-2018

Heard learned counsel for the petitioner; State and
Accountant General.

2. Pursuant to the last order, the respondent no. 2 is present and has filed affidavit. Affidavit has also been filed on behalf of the petitioner.

3. Earlier affidavits filed on behalf of the Accountant General disclose that about Rs.7,85,000/- is required to be paid to the



petitioner even if the stand of the Department relating to recoverable amount is accepted. The respondent no. 2 submitted that even as per their calculation, the petitioner is required to be paid the amount and in fact the Accountant General's affidavit and calculation is based on what figures have been supplied by the Department to the Accountant General.

4. From the aforesaid, it is clear that as of now, even if for the time being, the Court does not go into the aspect of recoverability of the amount which the Department claims is required to be recovered from the petitioner on account of certain allegations of embezzlement as for the money taken for repair of government buildings, the work was not done, is not interfered with, still on the basis of the admitted position, the amount of Rs.7,85,000/- and odd is required to be paid to the petitioner, as the same is without any controversy.

5. However, since the petitioner has chosen to assail both the jurisdiction and recommendation of the Lokayukta with regard to taking action against him as well as the orders passed against him for recovery, this Court, in the present jurisdiction and in the present writ petition, is not required to go into such aspect.

6. Accordingly, based on the admitted position and the stand taken, both on behalf of the State including the respondent no. 2 and the Accountant General, that even on the admitted position and



stand of the authorities, about Rs.7,85,000/- is still payable to the petitioner, the writ petition stands disposed off with a direction to the State authorities to ensure payment of the amount of Rs.7,85,000/- and odd to the petitioner within three weeks. Based on the same, the respondent no. 2 fairly submitted that since the dues of the petitioner to the Department would technically stand satisfied, as after adjustment of those dues only, payment of Rs.7,85,000/- and odd has been found payable to the petitioner, he shall pass a speaking order with a copy to the Certificate Officer for appropriate further action in the matter.

7. Personal appearance of respondent no. 2 stands disposed off.

(Ahsanuddin Amanullah, J)

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