

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6658 of 2018

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Brajendra Kumar Mallick Son of Late Ramsaran Singh, Resident of Village- Shivpuri, Khalihanpur, Ram Chandarpur, P.S. Laheri, District- Nalanda at Bihar Sharif.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education, Department, Bihar, Patna.
3. The Director, Primary Education, Education Department, Bihar, Patna.
4. The Regional Deputy Director of Education, Patna Division, Patna.
5. The District Education Officer, Patna.
6. The District Programme Officer Establishment, Patna.
7. The District Programmer Officer Sarw Shiksha, Patna.
8. The District Provident Fund Officer, Patna.
9. The Treasury Officer, Patna.
10. The Treasury Officer, Barh, Patna.
11. The Accountant General A and E, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nandlal Kumar Singh, Advocate
For the Respondent/s : Mr. Madanjit Kumar, G.P. 20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 23-07-2019 Heard learned counsel for the petitioner and learned
counsel for the respondent State.

The petitioner has approached this Court for quashing
of the Letter No. 43 dated 21/02/2018 issued under the signature
of the Respondent No. 4 on the basis of the report sent by
Respondent No. 2.

The petitioner along with three other persons were
held responsible for certain irregularities found in the building



construction work and the liability of Rs. 7,75,000/- (Rupees Seven Lakh Seventy Five Thousand only) was recovered/adjusted from the pension and gratuity of the petitioner. On the basis of the report of the Committee, the Principal Secretary passed order dated 23.02.2018 whereby he directed to recover the liability of Rs. 7,75,000/- in equal amounts from all the persons who were held responsible for the irregularities in the building construction work including the petitioner. The 1/4th liability of the petitioner comes to Rs. 1,93,750/- (Rupees One Lakh Ninty Three Thousand Seven Hundred and Fifty only). Once the Principal Secretary, on the basis of the report of Committee, took decision for realization of the amount of Rs. 7,75,000/- from all the four erring officials, then the respondents are directed to recover the liability amount in four equal parts from the four persons. The liability of the petitioner as indicated above comes to Rs. 1,93,000/- and as such the Court find justification in the claim of petitioner for the refund of amount which was recovered earlier from the petitioner.

In view of the above, the present writ petition is disposed of with a direction to the respondent to refund the balance amount out of Rs. 7,75,000/- after adjusting



Rs. 1,93,750/-. Necessary decision with regard to the refund after adjustment of the liability of the petitioner be taken by the respondent within a period of 30 days from the date of receipt/production of a copy of this order and the balance amount out of Rs. 7,75,000/- after adjusting Rs. 1,93,750/- shall be refunded to the petitioner within a further period of one month.

Any delay in making refund beyond the period as indicated hereinabove, will carry interest at the rate of 9% per annum from the date of adjustment of Rs. 1,93,750/-.

With the aforesaid, the present writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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