

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6013 of 2019

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Surendra Ram, Son of late Jagdish Ram, Resident of Village- Kalashan Bazar , Post Office- Dhuriya Kalashan, Police Station and Block- Chausa, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
2. The District Magistrate, Madhepura.
3. The Deputy Development Commissioner, Madhepura.
4. The District Panchayat Officer, Madhepura.
5. The Assistant Director Social Security Cell, Madhepura.
6. The Sub Divisional Officer, Madhepura.
7. The Block Development Officer Uda Kishunganj, District- Madhepura.
8. The Block Development Officer Alamnagar, District Madhepura.
9. Sri Satyapriya Kumar, Son of not known to the petitioner, The Then Nazir of Udakishunganj Block, District- Madhepura at Present Posted Sub-Divisional Office Madhepura and deputed in Disaster Management Cell Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Roy Advocate
For the Respondent/s	:	Mr. Ajay GA-5

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 18-04-2019

Heard the learned counsel for the petitioner and the State.

2. The petitioner is aggrieved by an endorsement on his last pay certificate (LPC) regarding a particular amount



which is required to be deducted from the salary of the petitioner in one go.

3. From the pleadings made in the writ petition, it appears that the petitioner, in his capacity as Panchayat Secretary, was entrusted with the disbursement of pension amount under Social Security Scheme. Out of Rs. 15,50,000/-, which was entrusted to him by the Block Office of Udakishunganj, the same had been distributed and the vouchers with respect to distribution of the aforesaid amount had already been deposited in the block office. However, it has been urged and pleaded in the present petition that because of the wrong calculation made by the Nazir of Udakishunganj Block, such amount has been shown to be recoverable from the petitioner and which has been endorsed on the last pay certificate.

4. Mr. Jitendra Kumar Roy, learned counsel for the petitioner, has submitted that even if the aforesaid amount was due as against the petitioner, there was no requirement of making an endorsement on the last pay certificate and recovery should have been effected by proper/lawful means.



Otherwise also, such endorsement on the last pay certificate is not sustainable for the reason that it has been made by the Nazir because of wrong calculation.

5. Learned counsel for the petitioner has further drawn the attention of this Court to a representation which was made by him before the Block Development Officer, Udakishunganj, who, in turn had asked for a clarification from the Nazir of Udakishunganj Block to explain the calculation for saddling such amount on the petitioner.

6. Only because the Nazir has not turned up to explain, no order has been passed by the Block Development Officer. This has led the petitioner to approach this Court with a direction to the respondent/Block Development Officer to dispose off his representation and pass an order with respect to correctness of the endorsement made on the last pay certificate.

7. The Block Development Officer, Udakishunganj was under an obligation to ensure the presence of the Nazir for explaining the reason for making such endorsement on the last pay certificate. The helplessness shown by the Block



Development Officer, Udakishunganj only reflects the toothless way of administering the Block office. If an errant Nazir is not giving the calculation, nothing stops the Block Development Officer from proceeding against him.

8. The Block Development Officer, Udakishunganj is directed to secure all necessary information and dispose off the representation of the petitioner within a period of eight weeks of the receipt of the reminder to the Block Development Officer by the petitioner which would be filed within a period of two weeks from today, annexing a copy of this order.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	19.04.2019
Transmission Date	

