

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5631 of 2019

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Saheb Singh Chouhan, S/o Late Kamala Singh Res. of Mohalla- Samod
Bigha, P.S.- Sherghati, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Public Health Engineering department, Govt. of Bihar, Patna.
2. The Engineer -in- Chief Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Superintendent Engineer Public Health Engineering Department, Gaya Circle, Gaya.
4. The Executive Engineer Public Health Engineering Department, Division, Gaya.
5. The Assistant Engineer Public Health Engineering Department, Sherghati, Gaya.
6. The Accountant General Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Baxi S. R. P. Sinha
Sr. Advocate
Mr. Mrigendra Pratap Singh
Advocate

For the Respondent/s : Mr. S. Raza Ahmad



AAG-5

Mr. Vishwambhar Prasad

AC to A.A.G. - 5

For the Accountant General : Ms. Nivedita Nirvikar

Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 16-04-2019

Heard the learned counsel for the petitioner and the State.

2. The petitioner has approached this Court feeling aggrieved by the order passed by the department, whereby he has been made to retire w.e.f. 30.06.2016 even though he worked till a later date i.e. 31.01.2018.

3. From perusal of the records, it appears that after completion of 42 years of service of the petitioner, such an order was passed, retiring him w.e.f. 30.06.2016. Any other decision would have meant that the petitioner got employed even prior to his attaining majority. So far, the action of the respondent cannot be faulted with.



4. Mr. Baxi S. R. P. Sinha, after some arguments, limited his submission to the extent of raising grievance against the recovery of money which was paid to the petitioner as wages from 30.06.2016 to the period that he had worked.

5. Mr. Baxi has further informed this Court that major part of the payment which was made to him for his having worked after 42 year of his being in service, has been recovered from his post-retiral dues. Only some amount is left to be recovered.

6. The learned counsel for the petitioner has submitted that if the petitioner has worked for the period for which he was not entitled to work as he would have had retired by that time, then also if any money was paid in return for his work, that could not have been recovered from him.

7. However, this Court finds that the petitioner has permitted the recovery of that amount and only small amount is left to be recovered.

8. Under the circumstances, the petitioner is directed to make a representation before the Executive Engineer, Public Health Engineering Department Division, Gaya within a period



of two weeks from today, annexing a copy of this order, who, on receipt of the same, shall pass a reasoned order within a period of six weeks thereafter.

9. In the meantime, i.e., before the reasoned order is passed by the concerned respondent, no further recovery shall be made from the post-retiral dues of the petitioner. While passing such order, the concerned respondent will also deal with the issue of recovery of money up-till now and if it is found that it was wrongly recovered, then necessary corrective measures shall be undertaken to rectify the mistake.

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

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	18.04.2019
Transmission Date	

