

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1508 of 2015

In

Civil Writ Jurisdiction Case No.2083 of 2015

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Lalan Prasad Singh, Son of Sheo Raj Singh, resident of Road No. 25F, Rajiv Nagar, P.S.- Rajiv Nagar, District-Patna. Appellant

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Additional Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Officer on Special Duty, Rural Works Department, Government of Bihar, Patna.
5. The Chief Engineer, Rural Works Department, Government of Bihar, Patna.
6. The Superintendent Engineer, Rural Works Department, Circle Munger.
7. The Executive Engineer, Rural Works Department, Works Division, Lakhisarai, District-Lakhisarai.
8. Accountant General, Bihar, Patna.
9. Treasury Officer, District Treasury, Patna.
10. The Director, Provident Fund, Government of Bihar, Patna.
11. District Provident Fund Officer, Lakhisarai. Respondents

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Appearance :

For the Appellant/s : None
For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 22-01-2019

None appears on behalf of the appellant, nor there is any representation on behalf of the State.

We have perused the records.

This appeal arises from the judgment and order of a learned Single Judge dated 30.04.2015 passed in CWJC No. 2083 of 2015, whereby the writ petition has been dismissed.

We completely fail to appreciate the cause of action available for the appellant-writ petitioner to maintain this appeal



because the learned Single Judge having noted the undertaking given by the petitioner for adjustment for a sum of Rs..2,93,344/- against the advance made to him of Rs. 7,00,000/-, now has approached the Court for refund of the said amount. The learned Single Judge taking note of the undertaking of the writ petitioner of adjustment as well as giving him liberty to satisfy the authorities by accounting for the advance of Rs. 7,00,000/- given to him, dismissed the writ petition and we find absolutely no infirmity in the judgment and order of the learned Single Judge requiring interference because if an advance has been given to the petitioner, he is under obligation to either give explanation of expenditure and account therefor or face the consequences of recovery.

The appeal is dismissed.

(Jyoti Saran, J)

(Nilu Agrawal, J)

Archana/
Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.02.2019
Transmission Date	NA

