

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5843 of 2015

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Bishwanath Panday S/o Late Sidhnath Pandey, resident of Village- Sahora,
P.O- Usfa, P.S. Gaurichak, District- Patna

... .. Petitioner

Versus

1. The Accountant General, Bihar Patna
2. The Executive Engineer, Ganga Pul Project Division, Gulzarbagh, Patna-7.
3. The Treasury Officer, Secretariat Treasury, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.R. K. Rajan
For the Respondent/s : Mr.Pandey S Sahay

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 07-05-2019 Heard learned Counsel for the petitioner and the
learned Counsel for the respondent State.

The short submission advanced by petitioner's Counsel is that under communication dated 17.7.2014 issued by the Executive Engineer, Ganga Pool Project Division, Gulzarbagh an amount of Rs. 1,50,517/- has been shown to be recoverable from the petitioner on account of various heads which have been clubbed in the said order. The same has been done without any show cause or opportunity to the petitioner.

As regards the amounts directed to be recovered under order dated 17.7.2014, this Court would observe that since from the pleadings on record it is not apparent that the same was not preceded by any opportunity to the petitioner, therefore,



recovery is held to be illegal and unsustainable.

The recoveries as directed in the order dated 17.7.2014 being without observing principles of natural justice are hereby quashed. It would be open to the respondent authorities to proceed afresh after giving a show cause to the petitioner in accordance with law in respect of the said amount. The petitioner would be entitled to refund of the amounts recovered under order dated 17.7.2014.

The writ petition is allowed to that extent.

(Madhuresh Prasad, J)

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