

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1328 of 2016

In

Civil Writ Jurisdiction Case No.5645 of 2012

Chandeshwar Prasad Singh, Son of Shri Chandrika Prasad Singh, resident of village + Post- Ram Krishna Dubiyahi, Via- Gidha, P.S. - Saraiya, O.P.- Jaintpur, District - Muzaffarpur

... .. Appellant

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Old Secretariat, Patna.
3. The Principal Secretary, Panchayati Raj Department, New Secretariat, Vikash Bhawan, Patna.
4. The Deputy Development Commissioner D.D.C., D.R.D.A. Sheohar, District – Sheohar.
5. The Managing Director, Bihar Panchayati Raj Finance Corporation, Vikash Bhawan, New Secretariat, Patna-1.
6. The D.R.D.A., Sheohar through Chairman, D.D.C. Sheohar, District-Sheohar.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Binod Kumar Labh. Advocate
Kumari Archana @ Archana Sinha, Advocate
Mr. Shyamkant singh, Advocate
For the State : Mr. Anil Kumar Singh, G.P.-26.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 09-09-2019

Heard learned counsel for the appellant and learned counsel for the State.

In this case, the appellant is claiming that he has been deprived of retiral dues amounting to Rs.11,55,573.79/-



along with the interest at the rate of 16% per annum.

The appellant was basically the employee of the Bihar Panchayati Raj Financial Corporation- respondent no.5 and for the period from 03.05.199 to 01.07.2011, he was sent on deputation to the D.R.D.A. but few days before his superannuation he was transferred to his parent department and from there the appellant superannuated from the service.

The Bihar Panchayati Raj Financial Corporation, has filed a supplementary counter affidavit in the writ petition, wherein details has been given in paragraph nos. 4, 5, 6, 7, 8, 9, 10 and 11 regarding payment made to the appellant and also attached the order dated 09.10.2015 passed by the Deputy Development Commissioner, Sheohar, wherein details have been made of excess payment made to the appellant and after calculation, arrived to a finding that an excess amount of Rs. 4,87,427/- has been paid to the appellant and the same has to be recovered.

The copy of the supplementary counter affidavit filed in the writ petition was served upon learned counsel for the appellant on 13.10.2015, but the appellant has never challenged the aforesaid letter of the Deputy Development Commissioner, Sheohar.



In such view of the matter, we do not find it proper to give any direction to the respondents to make any extra payment to the appellant. However, the appellant, if so advised, may challenge the order dated 09.10.2015 passed by the Deputy Development Commissioner, Sheohar, in an appropriate proceeding.

With the aforesaid observations and directions, this appeal is disposed of. Accordingly, the order of the learned Single Judge dated 10.12.2015 passed in C.W.J.C. No.5645 of 2012 is modified to the aforesaid extent.

(Shivaji Pandey, J)

(Partha Sarthy, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	18.09.2019
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