

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13557 of 2019

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Ramesh Kumar, son of Madan Singh, resident of Village- Khilwat, P.S. Bidupur, District- Vaishali, at Present Working as Kantak -Cum- Computer Operator in Zila Parishad Office, Vaishali at Hazipur.

... .. Petitioner/s

Versus

1. The Chairman, Zila Parishad, Vaishali at Hajipur.
2. The Deputy Development Commissioner-Cum-Chief Executive Officer, Zila Parishad, Vaishali at Hazipur.
3. The Additional Chief Executive Officer, Zila Parishad, Vaishali at Hazipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amar Nath Singh
For the Respondent/s	:	Mr. Shri Nandan Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 09-07-2019

The petitioner, who is working as Typist-cum-Computer Operator with the *Zila Parishad*, Vaishali, is aggrieved by the decision of the Deputy Development Commissioner-cum-Chief Executive Officer, *Zila Parishad*, Vaishali, whereby the honorarium has been reduced from Rs. 15,000/- per month to Rs. 11,345/- per month. The petitioner has also challenged the direction issued by the Additional Chief Executive Officer, *Zila Parishad*, Vaishali for recovery of Rs. 1,82,750/- as excess amount having been paid to the petitioner.



2. It has been submitted on behalf of the petitioner that he joined as Typist-cum-Computer Operator with the *Zila Parishad, Vaishali* on a stipend of Rs. 2000/- per month in the year 2005, which kept on being increased and since 2015, the petitioner has been getting a stipend of Rs. 15,000/- per month. All of a sudden, by letter dated 08.02.2019 issued under the signature of the Deputy Development Commissioner-cum-Chief Executive Officer, *Zila Parishad, Vaishali*, the salary/monthly honorarium of the petitioner was fixed as Rs. 11,345/- with retrospective date and excess amount which has been paid to the petitioner and similarly situated persons, has been directed to be returned to the account of the *Zila Parishad, Vaishali*. A representation also has been filed by the petitioner before the Deputy Development Commissioner-cum-Chief Executive Officer as well as the Chairman of the *Zila Parishad, Vaishali* but no action has been taken in that regard.

3. Considering the aforesaid facts, this Court



directs the petitioner to make a fresh representation before the Deputy Development Commissioner-cum-Chief Executive Officer, *Zila Parishad*, Vaishali (respondent No. 2), intimating to him that the monthly honorarium was increased in the year 2015 and since then the petitioner has been given the aforesaid salary/honorarium and the same could not have been reduced without any basis. The order for recovery of excess amount also is in teeth of the principles relating to excess payment and recovery of the same.

4. On receipt of such representation which will be filed within a period of two weeks from today, a reasoned order in accordance with law shall be passed by the Deputy Development Commissioner-cum-Chief Executive Officer, Vaishali within a further period of six weeks thereafter.

5. Till the time the representation of the petitioner is not disposed of, he shall not be insisted upon for returning the amount which is stated to be the



excess salary paid to him

6. With the aforesaid observation/direction, the writ petition stands disposed of.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12/07/2019

