

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11515 of 2017

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Lalbabu Singh, Son of Late Nagina Singh, resident of village - Narainapur,
Ward No. 06, P.S. Bagha, District - West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Gandak Kada, Muzaffarpur, Department of Irrigation, Bihar.
2. The Superintending Engineer, Gandak Kada, Muzaffarpur, Department of Irrigation, Bihar.
3. The Executive Engineer, Divisional Officer, Bettiah, West Champaran, Department of Irrigation, Bihar.
4. The Executive Engineer, Masan Canal Division No. 2, Ram Nagar, West Champaran, Department of Irrigation, Bihar.
5. The Sub-Divisional Officer, Tirhut Canal, Sub-Divisional Office Bagha, West Champaran, Department of Irrigation, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prithvi Nath Mishra, Advocate
For the Respondent/s	:	Mr. Harish Kumar, GP-8
		Mr. Binod Kumar Sinha, AC to GP-8

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

7 21-09-2020 Heard learned counsel for the petitioner and the State.

The petitioner has approached this Court with a grievance that the respondents have arbitrarily deducted Rs.73,659/- on the ground that he has received House Rent Allowance while occupying the Government Quarter.

Counsel for the petitioner disputes the aforesaid fact and submits that in fact quarter was in occupation of other employee and the petitioner never occupied the quarter.

The dispute whether the petitioner has occupied the



quarter or not cannot be decided in the present writ proceeding. However, in order to resolve the dispute, the writ application is disposed of with a direction to the Superintending Engineer, Gandak Kada, Muzaffarpur, Department of Irrigation, Bihar to provide opportunity of hearing to the petitioner and after considering all the relevant documents filed by the petitioner pass fresh appropriate order with regard to entitlement of the petitioner for refund of Rs.73,659/-.

In the event, if it is found that the petitioner has not occupied any Government accommodation/quarter, the petitioner would be entitled to refund of aforesaid amount i.e. Rs.73,659/- and if it is found that the petitioner has occupied the Government accommodation/quarter and has also received the House Rent Allowance, the respondents shall be at liberty to reject the claim of the petitioner after considering the relevant documents produced by the petitioner as well as by the Department.

Final decision in this regard must be taken by the respondent no.2 (Superintending Engineer, Gandak Kada, Muzaffarpur, Department of Irrigation, Bihar) within a maximum period of three months from the date of receipt/production of a copy of this order.



In the meanwhile, if any other post retiral dues have not been paid to the petitioner, the respondents shall ensure payment of the alleged dues within the same time frame indicated herein above.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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