

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17731 of 2018

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Shanker Prasad Singh Son of Late Baijnath Singh, Resident of Village-
Mahna, P.S. Barauni, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Cooperative, Government of Bihar, Patna.
2. The Bihar State Warehousing Corporation through its Managing Director, B-2, 1st Floor, Maurya Lok Complex, Patna-1.
3. The Chairman, the Bihar State Warehousing Corporation, B-2, 1st Floor, Maurya Lok Complex, Patna- 1
4. The Managing Director, the Bihar State Warehousing Corporation, B-2, 1st Floor, Maurya Lok Complex, Patna-1

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satish Chandra Mishra
For the Respondent/s : Mr.Syed Iqbal Ahmad -SC20

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 21-09-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard the parties.

Following relief(s) have been sought for by the
petitioner in the present writ application:

*“1(i) For issuance of an appropriate
writ/s, in the nature of mandamus
directing/commanding the concerned
respondents to return Rs. 5,00,000/- (five
lacs) to the petitioner without any delay*



with Bank interest and penal interest which has been withheld from the Leave Encashment amount of the petitioner illegally and without jurisdiction vide Office Order No. 307 dated 17-07-2017 after his retirement on 31-12-2016 from the Bihar State Warehousing Corporation from the post of Junior Engineer, but without any proof or proceeding by holding that as proposed by the Accounts Section which is not proper or permissible in any view of the matter and as such the petitioner is entitled for the aforesaid amount with adequate interest, penal interest and heavy cost.

(ii) For issuance of an appropriate writ/s, in the nature of mandamus directing/commanding the concerned respondents to return Rs. 88,000/- (eighty eight thousand) to the petitioner without any delay with Bank interest and penal interest which was deducted from the salary of the petitioner at the rate of Rs. 2,000/- per month in pursuance of the Office Order No. 98 dated 25-01-1994 as the vouchers against the completed works submitted by the petitioner were not produced by the Account Section of the Bihar State Warehousing Corporation, but subsequently on the reports of the Executive Engineer/Accounts Officer and the Secretary, it was found that all



the vouchers were submitted by the petitioner and then Vice Office Order contained in Memo No. 3063 dated 24-10-1997 the deduction of the aforesaid recovery was stopped by the Managing Director with direction that in case if it is found that any of the vouchers is rejected after verification the recovered amount will be adjusted. However, at no point of time, it was reported that any of the vouchers was found fit for rejection and the said deduction of Rs. 88,000/- has remained unreturned to the petitioner for such a long period of two decades and as such the petitioner is entitled for return of the aforesaid amount with interest and heavy cost as the petitioner has already retired on superannuation on 31-12-2016 from the Bihar State Warehousing Corporation.

(iii) The concerned respondents may also be directed to grant the petitioner the benefits of Time Bound Promotion petitioner and/or the benefit of A.C.P. etc. which has not been granted to him at any point of time in his service and to make payment of the same without any further delay.

(iv) Any other appropriate relief/reliefs may be granted in favour of the petitioner for which he is found entitled to in the facts and circumstances of the case”.

Considering the relief(s) sought for in the present writ



application, the petitioner is directed to file/make a representation before the respondent No. 4. If any, such representation is filed/made by the petitioner, the respondent No. 4 shall pass an appropriate order in accordance with law, within a period of three months from the date of filing/making of such representation.

In case the petitioner is found entitled for any admitted dues relating to his post retiral benefits, the respondents will be under obligation to make payments of the same within a period of three months from the date of passing of final order on the representation of the petitioner.

With the aforesaid observation and direction, the present writ application stands disposed of.

(Sudhir Singh, J)

A.K.V.//-

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