

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15709 of 2017**

=====

Raghubir Harijan, Son of Late Rikhai Ram, Resident of Village - Maheshpur,  
P.S. - Shikarpur, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Urban Development Department,  
Govt. of Bihar, Patna
2. The Secretary, Urban Development Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, Urban Development Department, Govt. of Bihar,  
Patna.
4. The District Magistrate, West Champaran, Bettiah.
5. The Nagar Parishad, Narkatiaganj, West Champaran through its Chief  
Executive Officer.
6. The Chief Executive Officer, Nagar Parishad, Narkatiaganj, West  
Champaran.
7. The Treasury Officer, West Champaran, Bettiah.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Satyavrat Verma, Advocate  
For the Respondent/s : Mr. S.P.Singh, GA3

=====

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL JUDGMENT**

**Date : 08-07-2021**

Heard learned counsel for the petitioner and the  
respondents.

2. The petitioner retired in the year 2013 as Tahshildar of  
Narkatiaganj Nagar Parishad. After retirement, Nagar Parishad,  
Narkatiaganj has raised objection with regard to adjustment of the  
amount in connection with the work done by the petitioner  
between 2003 to 2007.

3. Learned counsel for the petitioner submits that not  
only the work was done, but even extra work was also done by the  
petitioner and considering the aforesaid the respondents are  
arbitrarily raising demand, instead of settling the account.



4. Primarily, the Court is of the view that settlement of account is involved in the present case and as such it would be appropriate that the petitioner may be granted opportunity by the Nagar Parishad, Narkatiaganj.

5. Accordingly, the Chief Executive Officer, Nagar Parishad, Narkatiaganj, West Champaran is directed to provide opportunity of hearing to the petitioner in connection with payment made to the petitioner for certain work during 2003-2007. The petitioner is also at liberty to furnish all the necessary documents and evidence in support of work and even extra work, which according to the petitioner was carried out, but not paid by the Nagar Parishad, Narkatiaganj. The Chief Executive Officer, Nagar Parishad, Narkatiaganj, West Champaran after hearing the petitioner and on consideration of the measurement book and other relevant documents connected with the work concerned shall pass reasoned and speaking order within a period of three months from the date of receipt/production of a copy of this order.

6. In the event, if it is found that extra work was done by the petitioner, which is established through measurement book and through other allied materials, the Chief Executive Officer, Nagar Parishad, Narkatiaganj, West Champaran will pass appropriate



order with regard to payment of balance amount to the petitioner, which is admissible on superannuation of the petitioner in 2013.

7. Entire exercise of adjustment and payment of balance dues should be completed by the respondent Chief Executive Officer, Nagar Parishad, Narkatiaganj, West Champaran at the earliest preferably within a period of five months from the date of receipt/production of a copy of this order. If any amount admissible to the petitioner is not paid within the time indicated herein above, the same will carry interest at the rate of 9% per annum from the date of superannuation of the petitioner i.e. 30.04.2013 till the date of actual payment.

8. It goes without saying that the present Chief Executive Officer, Nagar Parishad, Narkatiaganj, West Champaran while adjusting the amount and passing fresh order shall not be influenced by the determination and order passed in this connection by his predecessor or by the State Government.

9. With the aforesaid, the writ application stands disposed of.

**(Anil Kumar Upadhyay, J)**

uday/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 13.07.2021 |
| Transmission Date | NA         |

