

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15613 of 2017

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Daroga Rai, Son of Late Deomun Rai, Resident of Village - Roari, 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

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Appearance :

For the Petitioner/s : Mr.Satyavrat Verma, Adv.
For the Respondent/s : Mr.Abbas Haider -SC6

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 05-10-2021

Heard learned counsel for the petitioner and counsel for the respondents.

2. The present writ petition has been filed for the following reliefs as formulated by the petitioner-

“1. That this is an application praying for issuance of a Writ in the nature of Writ of Certiorari, or any other appropriate Writ order, direction for quashing the Letter no. 872 dated 03.10.2016 (Annexure-13 to the Writ Application) issued by the Respondent No.6, by the impugned order dated 03.10.2016, the Respondent No.6 to scuttle the



legitimate Retiral dues of the Petitioner, has directed the petitioner to return an amount of Rs. 87,00,219/-, within period of one week, failing which appropriate legal proceedings be initiated. The Petitioner further prays for issuance of a consequential Writ of Mandamus commanding the Respondents particularly the Respondent No.6 to release the pensionary benefits of the Petitioner including gratuity, leave encashment, forthwith after fixing the pay scale of the Petitioner, as per recommendation of the 6th Pay Revision Committee and also to pay the difference of arrear salary on account of grant of the 5th and 6th Pay Revision Committee.”

3. Without going into the detailed merits of the matter, it is common ground between the parties that identical issues have already been decided by a coordinate Bench of this Court in terms of judgment dated 08.07.2021 passed in C.W.J.C. No. 15709 of 2017, Raghubir HarijanVs. The State of Bihar & Ors., which reads as follows:-

“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.”

4. It is, therefore, jointly prayed that the present matter be also disposed of in line with the aforesaid judgment.

5. Ordered accordingly.

6. This writ petition stands disposed of.

(Vikash Jain, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.10.2021
Transmission Date	

