

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6217 of 2016

=====

Sanjay Ram Son of Late Bhadai Ram, resident of Mohalla - Ambedkar Nagar,
P.S. Toun Siwan, District - Siwan

... .. Petitioner/s

Versus

1. Nagar Parishad Siwan through its Executive Officer.
2. The Chairman Nagar Parishad, Siwan
3. The Executive Officer, Nagar Parishad, Siwan

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Gajanan Arun, Advocate
For the Respondent/s : Mr.Ravi Bhushan Verma, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date : 12-10-2023

1. The present writ petition has been filed for quashing the order dated 17.12.2014, passed by the Nagar Executive Officer, Nagar Parishad, Siwan, whereby and whereunder the mother of the petitioner has been directed to deposit a sum of Rs.1,75,690/- in lieu of the extra amount of salary withdrawn by the mother of the petitioner on account of continuing in service beyond the prescribed limit of maximum 40 years of service.

2. At the outset, the learned counsel for the petitioner has relied upon a judgment dated 13.02.2015 rendered by a co-ordinate Bench of



this Court in **CWJC No.2664 of 2015 (Brahmdeo Singh vs. the State of Bihar)**, to submit that under similar circumstances, the impugned order directing for making recovery from the writ petitioner of that case has been quashed, not only on the ground of violation of the principles of natural justice, but also on the ground that no recovery can be made from a retired employee.

3. The learned counsel for the respondent has not disputed the fact that the present case is squarely covered by the judgment rendered in the case of **Brahmdeo Singh (supra)**.

4. Having regard to the facts and circumstances of the case, this Court finds that the present case is squarely covered by the judgment rendered by a co-ordinate Bench of this Court in the case of **Brahmdeo Singh (supra)**, hence the impugned order dated 17.12.2014, passed by the Nagar Executive Officer, Nagar Parishad, Siwan is quashed. It is further directed that in case any arrears of dearness allowance or arrears on account of revision of salary, is outstanding for



payment qua the mother of the petitioner, the same shall be paid to the petitioner within a period of four weeks from today.

5. The writ petition stands allowed.

(Mohit Kumar Shah, J)

kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.10.2023
Transmission Date	NA.

