

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5159 of 2023

=====

Kailash Pathak son of Late Kapildeo Pathak R/V & P.O. Supi, P.S. Makhdumpur (Tehta O.P.) District Jehanabad

... .. Petitioner/s

Versus

1. The Special Secretary, Department of Health and Family Welfare, Govt. of Bihar, Vikash Bhawan Bailey Road, Patna
2. The Director-in-chief, Family Welfare, Maternity Health and Nursing, Bihar Patna, Health Department Govt. of Bihar.
3. The In-charge Medical Officer, Primary Health Centre, Kako District Jehanabad
4. The Accountant General, Bihar, Birchand Patel Path, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Paras Nath, Advocate
For the AG	:	Mr.Raj Nandan Prasad, Advocate
		Mr.Vishesh Kumar Singh, Advocate
For the Respondent/s	:	Mr.Sudhir Kumar Singh, AC to SC 23

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-08-2023 Heard Mr. Paras Nath, learned counsel appearing on behalf of the petitioner; Mr. Raj Nandan Prasad, learned counsel for the Accountant General (Bihar) and Mr. Sudhir Kumar Singh, leaned counsel for the State.

2. Learned counsel appearing on behalf of the petitioner seeks to file a detail representation before the respondent no.2 (the Director-in-Chief, Family Welfare, Maternity Health and Nursing, Health Department, Govt. of Bihar, Patna) along with settled legal position in the case of *Amresh Kumar Singh & Ors. Vrs. The State of Bihar & Ors.* reported in *2023 Online SC 496*. Petitioner has retired from



Class III post.

3. The respondent no.2 must take appropriate steps not to recover any amount from the pensionary benefit of the petitioner, which is due on account of allegedly incorrect benefit granted to the petitioner on account of ACP/MACP, which led to incorrect fixation of pay scale and pension of the petitioner.

4. Earlier the Hon'ble Apex Court in the Case of ***State of Punjab & Ors. Vrs. Rafiq Masih (White Washer) & Ors.*** reported in ***(2015) 4 SCC 334*** had deprecated the action of the State and recovery of any amount from a retired employee.

6. Considering the facts of the case, this Court directs the respondent no.2 to dispose of the representation of the petitioner in accordance with law.

7. With the above observation/direction, the present writ petition is disposed of.

(Purnendu Singh, J)

chn/-

U			
---	--	--	--

