

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6824 of 2023

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Raghunandan Prasad Singh, aged about 66 years (M), Son of Late Bhikha Prasad Singh @ Bhikha Mandal, Resident of village - Kadwa Thakur Ji, Kachahari Tola, P.O. - Pratapnagar, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its the Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna.
2. The Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Bhagalpur, District- Bhagalpur.
4. The District Panchayat Raj Officer, Bhagalpur, District- Bhagalpur.
5. The Block Development Officer, Jagdishpur, District - Bhagalpur.
6. The Block Development Officer, Kahalgaon, District - Bhagalpur.
7. The Block Development Officer, Bihpur, District - Bhagalpur.
8. The Block Development Officer, Goradih, District - Bhagalpur.
9. The Accountant General of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
For the Respondent/s	:	Mr. Kameshwar Pd. Gupta, GP-10
		Mr. Virendra Kumar, A.C to GP-10
For the A.G	:	Mr. Raj Nandan Prasad, Advocate
		Ms. Shailja, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 18-08-2023

Heard Mr. Sharda Nand Mishra, learned counsel appearing on behalf of the petitioner; Mr. Kameshwar Pd. Gupta, learned GP-10 appearing on behalf of the State and Mr. Raj Nandan Prasad, learned counsel appearing on behalf of the Accountant General.

2. The petitioner is aggrieved for non-payment of retiral dues on different heads and for non-fixation of pension,



difference of salary and arrear of salary from December 2011 to 31.12.2016 i.e. till date of retirement of the petitioner. Petitioner was appointed on 03.10.1995 on the post of Panchayat Secretary in Goradih Panchayat, Sultanganj, District- Bhagalpur. During the service period of the petitioner, he was served Charge Memo contained in Memo No. 123 dated 31.08.2008. The petitioner was suspended after inflicting minor punishment. Thereafter, petitioner was made accused in Jagdishpur P.S. Case No. 82 of 2006 and the said F.I.R. was quashed by this Hon'ble Court. The main accused was one Md. Qutub Uddin against whom the allegation of contesting the Mukhiya election of Chandpur Gram Pranchayat allegedly on fake caste certificate which was reserved for backward community. Allegation against the petitioner was that he was his supporter.

3. Learned counsel further submitted that once the F.I.R has been quashed by this Hon'ble Court, no criminal case is pending against the petitioner. He further submitted that though there is no reference in the Letter dated 28.02.2023 issued under the signature of District Panchayati Raj Officer, District-Bhagalpur, in which he has held that the petitioner is liable to deposit Rs. 57,500/- in the department account the petitioner has already deposited the amount. The letter dated



28.02.2023 is much after retirement of the petitioner, who had retired on 31.12.2016.

4. Learned counsel in these background submitted that the petitioner has filed a detailed representation before the District Magistrate, Bhagalpur, against the illegal action taken against him by the District Panchayati Raj Officer, Bhagalpur by issuing letter dated 28.02.2023 after more than 6 years. The law is well settled that recovery after more than 6 years is against the law laid down by the Apex Court. Petitioner's being Class-III employee of the State Government the order of recovery is illegal and fit to be set aside. In support he has relied on the law laid down by the Apex Court in the case of ***State of Punjab & Others vs. Rafiq Masih (White Washer) and anr.*** reported in ***(2015) 4 SCC 334.***

5. Learned counsel appearing on behalf of the State has submitted that no relief can be granted to the petitioner considering the fact that the petitioner has admitted that he has committed financial loss as it would appear from the admitted fact that he has deposited Rs. 57,500/- in the Government Treasury.

6. Having heard the rival submissions made by the receptive parties as well as fact that petitioner has been denied



the pensionary benefit including non-payment of pension and gratuity since his date of retirement i.e from the year 2016 in spite of the fact that the FIR which was lodged against the petitioner has already been quashed by this Court vide 'Annexure-1' to the writ petition passed in Cr. Misc. No. 15875 of 2007 and thereafter departmental proceeding was dropped against the petitioner and minor punishment of sensor was passed against him. The authorities being denied to make payment of retiral dues including pension to the petitioner is without authority of law.

7. The District Magistrate, Bhagalpur is directed to sanction the pension, arrears of salary and other retiral dues to the petitioner as claimed by him in the present writ petition in accordance with law. The accrued interest till the date of payment of the retiral dues is also required to be paid to the petitioner.

8. The District Fund Officer, Bhagalpur, is directed to make payment of the Provident Fund within a period of three weeks from the date of communication of this order.

9. The District Magistrate-cum-Collector, Bhagalpur, is directed to call for the service records relating to the petitioner and direct the sanctioning authority to issue



sanction letter to the Accountant General, Bihar, within a period of three weeks. The Accountant General, Bihar is directed to fix the pension of the petitioner and communicate the same to the Treasury Officer, Bhagalpur. The Treasury Officer, Bhagalpur, must ensure to credit the entire amount into the account of the petitioner.

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

(Purnendu Singh, J)

Niraj/
Nilmani

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.08.2023
Transmission Date	N/A

