

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 14606 of 2022

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Sima Kumari @ Sima Kumary wife of Late Manoranjan Kumar Sinha,
resident of Village- Hasanpur Surat, P.O. Hasanpur, P.S. Patori, District-
Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Public Health Engineering Department, Government of Bihar, Bishweshwaraiya Bhawan, Bailey Road, Patna.
3. The Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Government of Bihar, Bishweshwaraiya Bhawan, Bailey Road, Patna.
4. The Chief Engineer, Public Health Engineering Department, Government of Bihar, Patna.
5. The Superintending Engineer, Public Health Engineering Circle, Motihari.
6. The Executive Engineer, Public Health Division, Dhaka, District- East Champaran.
7. The Senior Treasury Officer, Samastipur, District- Samastipur.
8. The Principal Accountant General (A and E), Bihar, Patna.
9. The Senior Accounts Officer, Office of the Principal Accountant General (A and E), Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vijay Kumar Singh, Adv.
For the Respondent/s	:	Mr. Arvind Ujjwal (Sc4)
For Accountant General	:	Mr. Chatyanya Swaroop, Adv.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 08-05-2023 Mr. Vijay Kumar Singh, learned counsel appearing

on behalf of the petitioner, Mr. Arvind Ujjwal, learned counsel

appearing on behalf of the respondents and Mr. Chatyanya

Swaroop, learned counsel appearing on behalf of the Accountant

General.

2. The present writ petition is being heard at the stage



of admission for being disposed of to which the parties have no objection.

3. Learned counsel appearing on behalf of the petitioner informs this Court that on account of incorrect calculation made by the respondents themselves, the petitioner should not suffer and the action of the respondents in once reducing the pension of the petitioner and recovery on account of excess payment, after delay of four years is unwarranted, in light of the decision of the Apex Court in case of **State of Punjab & Ors. Vrs. Rafiq Masih & Ors., 2015 (4) SCC 334.**

4. Considering the aforesaid facts, the petitioner is directed to make detailed representation along with the law laid down by the Apex Court and this Court.

5. In the meantime, the authorities must restrain themselves from recovering the excess amount, which has been detected from the retiral dues of the deceased employee the husband of the petitioner, who was holding Class-IV post of Keyman-cum-Chowkidar.

6. The concerned authorities must ensure to act in accordance with law as laid down by the Apex Court and must ensure pay back the recovered amount in the account of the petitioner with interest within a period of six weeks from the



date of this order and thereafter forthwith ensure to make payment of pension every month which has been stopped illegally.

7. As the order has been passed in the open Court, learned counsel for the respondents is directed to inform the Executive Engineer, Public Health Division, Dhaka, East Champaran.

8. Accordingly, the order contained in Letter No. 326, dated 10.07.2021 (Annexure-4) is set aside and quashed.

9. The writ petition stands disposed of.

(Purnendu Singh, J)

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