

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14990 of 2022

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Ram Mohan Tiwari son of Wakil Tiwari Resident of Village- Panditpur, P.O.- Mathurapur, P.S. Pipra Kothi, District- East Champaran at Motihari, the retired Tube Well Khalasi, Public Health Division, Motihari, District- East Champaran at Motihari.

... .. 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, Motihari, District- East Champaran.
7. The Treasury Officer, East Champaran at Motihari, District- East Champaran at Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate Mr. Abhinav Shandilya, Advocate
For the State	:	Mr. Vishwambhar Prasad, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 08-05-2023 Heard Mr. Vijay Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Vishwambhar Prasad, learned AC to learned AAG-5.

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, from a retired government servant 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 deducted 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 to 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, Motihari, District-East Champaran.

8. Accordingly, the Office Order No. 130 dated 06.09.2022 contained in Memo No. 1327 dated 06.09.2022 (Annexure-4) is set aside and quashed.

9. The writ petition stands disposed of.

(Purnendu Singh, J)

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