

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16020 of 2022**

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Dr. Binod Prasad Singh S/o Late Gajadhar Prasad Singh, Resident of H/4,  
Doctors Colony, Kankarbagh, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Principal Secretary, Finance Department, Govt. of Bihar, Old Secretariat, Patna.
4. The Joint Secretary, Health Department, Govt. of Bihar, Patna.
5. The Principal, Vardman Institute of Medical Sciences, Pawapuri (Nalanda).
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|---------------------------------|
| For the Petitioner/s | : | Mr. Binoy Kumar, Advocate       |
| For the Respondent/s | : | Mr. Ramadhar Singh, GP-25       |
| For the AG           | : | Mr. Chaitanya Swaroop, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL JUDGMENT**

**Date : 07-08-2023**

Heard Mr. Binoy Kumar, learned counsel appearing on behalf of the petitioner; Mr. Ramadhar Singh, learned GP-25 appearing on behalf of the respondent and Mr. Chaitanya Swaroop, learned counsel appearing on behalf of the Accountant General.

2. Learned counsel appearing on behalf of the petitioner seeks to file a detailed representation before Director-in-Chief, Health Services, Bihar for claiming relief as claimed in the present writ petition.

3. The Director-in-Chief, Health Services, Bihar is

directed to call for the records relating to the petitioner and take a decision as to whether the petitioner was at any fault for such incorrect fixation of his salary and in case it is found that petitioner has not misrepresented or misappropriate at his own level getting incorrect pay scale at an enhanced rate in that case he must take a final decision with respect to the payment of claim as prayed for in the present writ petition.

4. The Director-in-Chief, Health Services, Bihar must also consider the fact that unilaterally an amount of Rs. 3,26,424/- has been deducted from the gratuity of the petitioner without giving him any notice or providing him any opportunity, the action being penal in nature and has been taken after the retirement of the petitioner. This Court finds that before taking any penal action, the petitioner must have been given an opportunity to explain his case.

5. The Director-in-Chief is directed to pass a reasoned order taking into consideration the law laid down by the Apex Court with respect to any action taken against an employee from whose recovery is required to be made from his pensionary benefit.

6. The representation of the petitioner is directed to be disposed of within a period of six weeks from the date of its

filling. In case, it is found that the recovery is illegal, in that case, recovered amount is directed to be returned back to the petitioner within a period of six weeks.

7. With the above observations and directions, the present writ petition stands disposed of.

**(Purnendu Singh, J)**

Manish/-  
Minu/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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