

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4208 of 2018

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Ram Kewal Ram, Son of Late Bhutali Ram resident of village Ratani, Post Ratani Bazar, Police Station - Shakurabad, District - Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
2. The District Magistrate, Jehanabad.
3. The District Panchayati Raj Officer, Jehanabad.
4. The District Account Officer, Jehanabad.
5. The Block Development Officer, Hulasganj, District - Jehanabad.
6. The Block Development Officer, Makhdumpur, District - Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ghanshyam Sharma, Adv.
For the State	:	Mr. Rakesh Kumar Ranjan (AC to GA-5)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 18-12-2023 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed by the petitioner for quashing the entry made on the back side of last pay certificate of the petitioner for recovery of Rs. 15,64,791/- for which letter *vide* Memo No. 227 dated 17.02.2017 annexed as Annexure-1 series and a reminder *vide* letter no. 2135 dated 16.12.2017 annexed as Annexure-1 series has been issued.

3. Learned counsel for the petitioner submits that the petitioner was appointed on the post of Panchayat Sewak now designated as Panchayat Secretary in November, 1994 and he was posted at Block- Ghosi after that, he was transferred to Block- Kako in the year 1998 then in Block- Makhdumpur in



the year 2005 and lastly in Block- Hulasganj in the year 2010. After that he has given his joining in the office of Block Development Officer, Hulasganj, but for want of L.P.C., the salary was not paid. Counsel also submits that he has received his last salary only upto December, 2009 at Makhdumpur block. Counsel further submits that the petitioner is facing allegation of non purchase of furniture ordered by the District Magistrate under Public Grievance Redressal Act for facing the departmental proceeding.

4. On the other hand, counter affidavit has been filed and in the said counter affidavit, the stand taken by the State that the petitioner has taken advance in four heads for completion of different schemes of the Government amounting Rs. 15,64,791/- but not refunded and the said scheme was also not completed, therefore, it was ordered to the petitioner to return all amounts uptill now.

5. Counsel for the State submits that there is an allegation of embezzlement of public money upon the petitioner and so, the notice was issued to all the persons including the petitioner against which the petitioner preferred appeal, but thereafter, no response was taken upon the show cause notice issued to him and now the private party filed the second appeal



before the Appellate Authority-cum-District Magistrate, Jehanabad, before whom the petitioner could not appear then he was put under suspension and a departmental action was taken. Counsel further submits that the petitioner is evading his appearance before the Divisional Commissioner, Gaya for execution of the order and by taking law in his hand, he has filed the writ petition for his grievances that the petitioner was unnecessary being harassed.

6. In the light of the submissions made, let the petitioner is directed to appear before the Divisional Commissioner, Gaya within four weeks along with order and the Divisional Commissioner, Gaya is directed to provide all the documents relating to the petitioner with regard to the action taken against him so that he may defend before appropriate forum and in case of non appearance within four weeks, the Divisional Commissioner, Gaya is free to take further steps against the petitioner in accordance with law.

7. With the observations and directions made above, this writ petition is hereby disposed of.

(Dr. Anshuman, J.)

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