# IN THE HIGH COURT OF JUDICATURE AT PATNA
**Civil Writ Jurisdiction Case No.11823 of 2018**

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Malti Devi W/o Late Shankar Prasad Singh, resident of Village- Radhakhar P.O. Bhagwanpur, P.S. Bhagwanpur, District- Kaimur.

... ... Petitioner/s

Versus

1. The State Of Bihar
2. The Director of Agriculture, Bihar, Patna.
3. The Joint Agriculture Director, Patna, Division, Patna.
4. The District Agriculture Officer, Rohtas at Bhojpur.
5. Project Executive Officer, Sasaram.

... ... Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Shankar Pd. Ray, Advocate<br>Mr. Vinay Kumar Mishra, Advocate |
| For the Respondent/s | : | Mr. Anant Pd. Singh, SC-15 |

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

11 16-05-2023 Heard the parties.

That this petition is being filed for issuance of a writ in the nature of a writ of certiorari or any other appropriate writ / order / direction for setting aside the order dated 23.01.2008 issued under the signature of respondent no. 5, communicating deduction of Rs. 15,84,945.56/- from the total payable amount payable to the petitioner's husband late Shankar Pd. Singh towards the terminal benefits and Rs. 94,547/- remained due and payable to her husband. The petitioner also prays for quashing memo no. 292 dated 06.03.13 issued under signature of Joint Director Agricultural where under even admitted dues of said

Rs. Rs. 94,547/- has been ignored and has denied any claim pending payable to petitioner's husband late Shankar Pd.Singh.

A counter affidavit has been filed on behalf of the District Agriculture Officer, Rohtas at Bhojpur (Respondent No. 4).

It is important to incorporate paragraph nos. 21 to 23 of the said counter affidavit:

> *21. That to sum up, the opponent reiterates that:-*
>
> *(i) this is one of the unique case which could not be covered in the common judgment of CWJC 8148/2007. The petitioner after his retirement in 2004 choose to give charge only in the year 2008 and only after a letter to this effect was issued by the Sub Divisional Magistrate, Sasaram on 23.12.2007 for giving charge in the presence of a Magistrate;*
>
> *(ii) it was only thereafter in the year 2008 that a short fall of charged items to the tune of Rs 3,24,030/- was found beside the other dues totaling Rs 6,18,174/-;*
>
> *(iii) so the question of a particular rate of interest could have come up only after he gave charge. However, here, before he gave charge in the year 2008, almost all his legitimate dues were paid;*
>
> *(iv) further, his retiral benefits and the*

*liability over him were almost equal;*

*(v) in the aforementioned circumstances, orders have been passed and not challenged, the present writ petition is fit to be dismissed.*

*22. That it is further stated and submitted as follows:-*

*(i) Pursuant to Karakat P.S. case, no amount has been shown due against the petitioner's husband;*

*(ii) amount dues against him relate to Motorcycle loan advance, Housing loan advance, extra amount withdrawn due to higher pay fixation and shortfall of charged items;*

*(iii) difference of A.C.P. was withdrawn but upon failure of petitioner's husband to deposit the claimed amount, the same was adjusted.*

*(iv) In a nutshell:*

*(a) Retiral benefits- Rs 6,53,585/- interest- Rs. 31,696/-Paid Rs 5,90,734/- Due Rs 94,547/- out of which towards outstanding dues Rs. 77,614 was withdrawn and adjusted Provisional pension paid- Rs 37,370/-*

*(b) Interest paid by Treasury Officer on 23.9.2008- Rs. 26,455/-*

*(c) Interest paid by the A.G., Bihar on 19.9.2008- Rs. 31,696/-.*

*23. That the deponent respectfully submits that all the admitted retiral dues of the petitioner's husband stands paid. Further, both in 2008 and 2016, the claim of the petitioner's* *husband was/were considered and rejected and the same having not been challenged, the been present petition has lost its merit and fit to be dismissed.”*

In view of the clear statement of the State Government which was filed after serving a copy to the petitioner in 2019 and remains unrebutted and as such, nothing remains.

The writ petition is accordingly dismissed.

**(Rajiv Roy, J)**

Jagdish/Neha/-

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