IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21878 of 2019

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Munshi Tanti @ Munsi Tanti, son of Doju Tanti resident of Ward No. 14, Manjhaul, P.O. Manjhaul, P.S. Begusarai, District- Begusarai, the retired Peon, Ramcharitra Singh College, Manjhaul, District- Begusarai.

... ... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Higher Education, Government of Bihar, Patna.
4. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
5. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
6. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
7. The Principal, Ramcharitra Singh College, Manjhaul, District- Begusarai.

... ... Respondents

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate
For the LNMU	:	Mr. Md. Nadim Seraj, Advocate
For the State	:	Mr. Prabhat Ranjan Singh, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 10-04-2023

Heard Mr. Vijay Kumar Singh, learned counsel appearing on behalf of petitioner, Mr. Md. Nadim Seraj, learned counsel appearing on behalf of LNMU and Mr. Prabhat Ranjan Singh, learned AC to AAG-13 for the State.

2. Mr. Md. Nadim Seraj, learned counsel appearing on behalf of Lalit Narayan Mithila University, Darbhanga admits that the encashment of group insurance has been paid although no calculation or amount has been mentioned in paragraph

No.12 of the counter affidavit it has also been submitted that by meeting the grievance of the petitioner so far as withholding/recovery of Rs. 3,15,745/- is concerned is on account of excess payment made to the petitioner, however, he submitted that no statement has been made in supplementary affidavit that before such withholding on account of any incorrect calculation have not been on the part of respondent a notice was given to the petitioner.

3. This Court finds that admittedly the petitioner had superannuated in the year 2015 and the excess amount which were paid to the petitioner amounting to Rs. 3,15,745/- has been discovered at the time of pay verification in the month of February, 2023. This Court finds that the petitioner cannot be penalized at this stage when he had superannuated in the year 2015. The law is well settled in the case of ***State of Punjab & ors v. Rafiq Masih (White Washer) and others*** reported in ***(2015) 4 SCC 334*** that no recovery can be made from Class-III and Class-IV employees after the retirement. In the present case any amount which has been incorrectly calculated and the petitioner is not at any fault, the State cannot withhold or recover such amount from Class-IV employee.

4. Accordingly, the respondent University is directed

to release the entire amount of group insurance and restrained themselves from withholding the amount of Rs. 3,15,745/- in absence of any alleged misappropriation or misrepresentation on the part of the petitioner after such a long delay.

5. Accordingly, the present writ petition is allowed.

(Purnendu Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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