

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4659 of 2023

Shiv Bachan Das son of Late Bansi Das resident of Village and P.O. Makher
P.S. Akbarpur, District Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna.
2. The Director, Directorate of Panchayati Raj, Bihar, Patna.
3. The District Magistrate, Nawada.
4. The Treasury Officer, Nawada.
5. The District Panchayat Raj Officer, Nawada.
6. The District Provident Fund Officer, Nawada.
7. The Block Development Officer, Pakaribarawan, District Nawada.
8. The Block Development Officer, Sirdala, District Nawada.
9. The Block Development Officer, Warisaliganj, District Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Harsh Anuj, Advocate
For the Respondent/s : Mr. Ajay (GA- 5)

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 09-05-2024 The petitioner is a superannuated Panchayat Secretary. He joined service on 16.02.1991. By an order dated 18.06.2005, the petitioner was transferred from Sirdala Block to Warisaliganj Block as Panchayat Secretary. Subsequently, in the year 2005 he was admitted to Ranchi Institute of Neuro Psychiatry and Allied Sciences, Ranchi for his treatment. After prolonged treatment, on 07.07.2010 the Hospital Authority declared him fit to join him service. Accordingly, he joined as Panchayat Secretary, Warisaliganj Block, thereafter, he was



transferred to another place under the control of respondent no.8 and finally on 26.02.2014 he was transferred to Sirdala Block under respondent No.7. He continued to work as Panchayat Secretary till the date of his superannuation on 28.02.2022.

2. Immediately before his superannuation a letter was issued to him on 26.02.2022 directing him to repay a sum of Rs.5,13,166/- towards over drawn amount. The petitioner filed a writ petition against the said order, the writ petition being C.W.J.C. No.3386 of 2021 was finally disposed of granting liberty to the petitioner to assail the order since certain periods were excluded for the purposes of fixation of petitioner's pension and in respect of tax deductions made from the arrears paid to the petitioner.

3. As per the liberty granted by this Court, the petitioner submitted a representation on 29.09.2022, the said representation was not considered by the concerned authority.

4. By filing a counter affidavit it is contended on behalf of the state-respondents that the amount which was recovered from the petitioner was not an over drawn amount from salary, as Secretary of Panchayat he was entrusted with certain amount of money in respect of different schemes. The money amounting to Rs.5,13,166/- which has already been paid



by the petitioner on the basis of a letter dated 30.04.2022 are the grounds made by the government on different schemes undertaken by local panchayat. The petitioner has no authority to retain the said amount. Moreover, TDS was deducted on the arrears of salary. Therefore, petitioner does not have any case to agitate before this Court especially when he complied with the direction of the respondent authorities.

5. Be that as it may, the petitioner deposited the aforesaid amount on demand by the respondent no.7. If the said amount was not paid his pensionary benefit might not have been issued and paid to him. Therefore, in order to receive the last source of his sustenance he complied with the order dated 26.02.2022. However, he has filed the representation stating inter-alia that the aforesaid amount was not deductible from him. The said representation being Annexure-14 has not been disposed of by the respondent authority.

6. In view of such circumstances, the instant writ petition is disposed of directing the respondent no.3 and respondent no.7 to disposed of the representation (Annexure-4) submitted by the petitioner on 29.09.2022 within six weeks from the date of this order and communicate the decision to the petitioner within one week thereafter.



6. With the above direction, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

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