

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11985 of 2024

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Ramji Singh Son of Late Ramchandra Singh, Resident of Village- Manarsa,
Post- Nepafatehpur, Police Station- Tekari, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural and Urban Development Department, Government of Bihar, Patna.
2. The District Magistrate cum Collector, Gaya.
3. The District Certificate Officer, Gaya.
4. The Gaya Municipal Corporation, Gaya through the Municipal Commissioner.
5. The Municipal Commissioner, Gaya Municipal Corporation, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Respondent/s : Additional Advocate General (5)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-08-2024 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the Municipal

Corporation, Gaya.

2. Learned counsel for the petitioner submits that vide
order dated 18.03.2011, contained in Memo No. 214/sa, the
petitioner was found entitled to refund the money to the
corporation at the tune of 5,23,446.67/- (five lakh twenty three
thousand four hundred forty six rupees 67 paise only) for which
certificate case has been lodged against the petitioner.

3. Learned counsel for the petitioner submits that the
direction for recovery of 50 per cent of the salary amount was



also made and during pendency of the certificate case his salary amount has been continuously deducted. Counsel submits that the petitioner has filed representation (Annexure-P/4) indicating to the authority that the amount for which he was liable to pay is going to be realized up to September 2015 and in this regard he has filed his representation on 25.01.2016. But authority has sat over the matter and has not taken any decision. He submits that no realization of amount is made and stopped only in October 2016. By the present writ petition he has only filed an application to return the excess amount deducted from the salary of the petitioner.

4. Learned counsel for the Municipal Corporation, Gaya, on the other hand, submits that considering his representation decision has been taken by the authorities concerned and since October 2016 deduction from salary had been stopped as it is apparent from the pleading of the petitioner himself. Learned counsel for the Municipal Corporation, Gaya, further submits that it is also true that the said certificate case is still pending against the petitioner and in this matter after filing of the certificate case the Collector is the competent authority so for dropping this case only Collector is competent.

5. Learned counsel for state submits that the Collector



is the certificate officer under Public Demand Recovery Act he cannot suo moto withdraw any application unless and until the requisitionists himself shall not file the application in this regard.

5. As such, this writ petition is disposed off, directing the petitioner to file fresh representation mentioning all the claims and the clear cut request to the Executive Officer, Municipal Corporation, Gaya Municipality, within 30 days from today and Executive Officer, Municipal Corporation, Gaya, is directed to consider his representation and take a decision on the representation of the petitioner within ninety days thereafter in accordance with law.

(Dr. Anshuman, J.)

Mkr./Aman/-

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