

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15090 of 2023

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Devendra Singh Son of Late Kesho Singh, resident of Village and P.O. and P.S.-Kinjar, District-Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Panchayati Raj Department, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Patna.
3. The Director, Local Fund Audit Directorate, Finance Department, Bihar, Patna.
4. The Assistant Director, Local Fund Audit Directorate, Finance Department, Bihar, Patna.
5. The District Magistrate, Arwal.
6. The District Panchayati Raj Officer, Arwal.
7. The Block Panchayati Raj Officer, Arwal.
8. The Panchayat Secretary, Gram Panchayat Fakharpur, Arwal.
9. The Panchayat Secretary, Gram Panchayat Sachi, Kurtha, Arwal.
10. The Panchayat Secretary, Gram Panchayat Ibrahimpur, Kurtha, Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.
For the Respondent/s : Mrs.Archana Meenakshee (GP- 6)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-04-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1.i. For issuance of an appropriate writ/s, order/s, direction/s to the respondents for quashing Memo No. 38 dated 30.06.2023 whereby under an amount of Rs. 28034/- has been shown to be recoverable from the petitioner under labour cess as per audit report submitted by respondent No. 3, for quashing Memo No. 37



dated 30.06.2023 whereby under amount of Rs. 69061/- has been shown to be recoverable, for quashing Memo No. 39 dated 30.06.2023 whereby and under amount of Rs. 7456 has been shown to be recoverable; for quashing Memo No. 40 dated 30.06.2023 whereby and under amount of Rs. 3,22,500/- has been shown to be recoverable as advance amount taken by the petitioner, and for quashing Memo No. 41 dated 30.06.2023 whereby and under amount of Rs. 46,368/- has been shown to be recoverable due to irregularity in payment to labours; for quashing Memo No. 29 dated 01.07.2023 whereby and under an amount of Rs. 25,438/- has been shown to be recoverable under labour cess as per audit report; for quashing Memo No. 30 dated 01.07.2023 whereby and under amount of Rs. 17,946/- has been shown to be recoverable under labour cess; for quashing Memo No. 31 dated 01.07.2023 whereby and under amount of Rs. 32,741/- has been shown to be recoverable from the petitioner, for quashing Memo No. 32 dated 01.07.2023 whereby and under amount of Rs. 2,944/- has been shown to be recoverable under royalty; for quashing Memo No. 33 dated 01.07.2023 whereby and under amount of Rs. 8,681/- has been shown to be recoverable as per muster roll and for quashing Letter No. 22 dated 11.09.2023 whereby and under amount of Rs. 2,54,899/-, 43,107/-, 30,000/- and 27,789/- has



been shown to be recoverable under different heads from the petitioner as per the audit report submitted by respondent no. 3.

ii. For issuance of an appropriate writ/s, order/s, Direction/s to the respondents not to recover above noted amount from the petitioner which has been directed to be deposited within three working days from issuance of letter since the petitioner has already superannuated from service and no such direction was given by the authority at the time when he was executing work on behalf of the Department under Local Area Development Fund.”

2. At the outset, the learned counsel for the respondent-State submits that in case the petitioner approaches the District Magistrate, Arwal, by filing appropriate representation within a period of two weeks from today, he shall take appropriate decision thereon forthwith.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to file appropriate representation with regard to his aforesaid grievances, before the District Magistrate, Arwal, within a period of two weeks from today and in case such a representation is filed, the District Magistrate, Arwal shall consider the same, in accordance with law and take a final



decision forthwith, and till then no recovery shall be made from the petitioner.

4. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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