

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7639 of 2016

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Sitaram Paswan Son of late Sahdeo Paswan Resident of VillagePost- Bihat, tola, Khairagi, PS Barauni, District Begusarai, Presently posted as Estimator Path Pramandal Dumra, District Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna
2. The Engineer-in-Chief-cum-Additional commissioner-cum Special Secretary, Road Construction department, Bihar, Patna.
3. The Chief Engineer, National Highway Division Road, Construction Department, Bihar Patna.
4. The Superintending Engineer, National Highway Division Road construction Department Bihar Muzaffarpur.
5. The Executive Engineer, Path Pramandal Gopalganj.
6. The Assistant Engineer, Path Pramandal Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Advocate
For the Respondent/s : Mr. Ajay, GA-12

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 18-02-2025 Heard Learned Counsel for the petitioner and

Learned Counsel for the State.

2. The present writ petition has been filed for the
following relief/s:-

*(i) For a direction to the
respondent authorities to refund the amount
Rs. 2,10,416/- with interest to the petitioner
which has been deducted from the salary of
the petitioner on the ground of pending
materials which is completely false because*



no materials are pending against the petitioner vide Memo No. 727 dated 15.03.2010 (Annexure-4)

(ii) To grant any other relief/reliefs if petitioner found entitle in the facts and circumstances of the present case.

3. Learned Counsel for the petitioner submits that the petitioner was posted as Junior Engineer, Sub Division No. 1, National Highway Division, Gopalganj, in the year 2001. Counsel submits that the Election Commission and District Magistrate, Gopalganj directed the Executive Engineer, National Highway Road Division, Gopalganj, to repair and maintain the National Highway Road No. 28 to ensure it is motorable. Following these directions from higher authorities, the preparation of work for Road No. 28 was assigned to a contractor at Kilometer No. 369, 370, 372, 373 and 375 in the National Highway Road No. 28. Counsel also submits that the Executive Engineer and Assistant Engineer orally ordered the petitioner to complete the work using departmental materials and to engage the contractor, namely, Viresh Rai, for the labour work. According to the petitioner, the work was completed, and bill was submitted before the concerned authority. It is specifically pleaded by the petitioner that the entire work was



carried out based on the oral orders of the higher authority, as there was a threat that the material were related to the Election Commission. The petitioner was instructed to complete the work first, and then the documentation could be processed. Counsel submits that, under pressure from the highway officials, the petitioner did all the necessary work, and the work was completed accordingly. It has also been stated that the Measurement Book No. 219, page 30-36, was submitted to the relevant Assistant Engineer and Executive Engineer in the office. Counsel further submits that the Assistant Engineer, National Highway Sub Division, deposited the labour work in Measurement Book No. 219, along with the departmental materials account estimates and their adjustments, for approval before the Executive Engineer, National Highway Division, Gopalganj.

4. In the meantime, the petitioner was transferred from Gopalganj to the National Highway Division, Bhagalpur, but Last Pay Certificate was not issued to him. Subsequently, the petitioner was again transferred to the office of the Superintending Engineer, North Bihar Road Circle, Muzaffarpur, and was relieved. Thereafter, the petitioner wrote several letters for sending Last Pay Certificate but all attempts



were in vain. Subsequently, *vide* Memo No. 727 dated 15.03.2010, a recovery order was passed directing the recovery of Rs. 2,10,416/- from the petitioner's salary. Counsel further submits that, in this regard, the petitioner made several representations to the concerned authorities, but no action was taken. Counsel further submits that the said recovery was made from the petitioner's salary without any prior notice or show-cause notice.

5. Learned Counsel for the State, on the other hand, submits that the said recovery was made as there was no sanction or approval for the work, nor a written agreement by the authorities concerned.

6. In light of the submissions made by the parties, this writ petition stands disposed off with the direction to the Chief Engineer, National Highway Division, Road Construction Department, Bihar, Patna to consider the representations of the petitioner in accordance with the law within 90 days from the date of production of the order.

7. Since the matter pertains to 2016, therefore, the petitioner is directed to cooperate with the respondent's officials. If the relevant documents are not immediately available in the office, the petitioner shall be at liberty to file a



fresh representation within 30 days, including all relevant documents on which he is relying in the present writ petition before the authority.

(Dr. Anshuman, J.)

Aman Kumar/-

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