IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1452 of 2022

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Uday Shankar Prasad Singh Son of Ram Dharikshan Singh, resident of Village and P.O.- Baghakhal, District - Muzaffarpur, presently residing at New Colony, Balughat, Road no. 3, Muzaffarpur, the retired Junior Engineer, Muzaffarpur Municipal Corporation, Muzaffarpur. ... ... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Municipal Commissioner, Muzaffarpur Municipal Corporation, Muzaffarpur.
4. The Executive Engineer, Muzaffarpur Municipal Corporation, Muzaffarpur.
5. The Assistant Engineer, Muzaffarpur Municipal Corporation, Muzaffarpur.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate
For the State	:	Mr. Subhash Pd. Singh, GA-3
	:	Mr. Indeshwari Prasad, AC to GA-3
For the Res No.3	:	Mr. Awadhesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL JUDGMENT
Date : 16-02-2026

Heard the parties.

2. The present writ petition has been filed for the following reliefs:-

> *(I) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities and particularly the Respondent no.3 to pay the contractual amount of Rs.3,08,886/- for installation of the Pipe from the office of Animal Husbandry to the Road of Bibiganj which was done departmentally for which the petitioner had already*

submitted the bill and after deduction of necessary deduction the bill of Rs.3,08,886/-was sanctioned and passed by all the Authorities in the year 2017 but the said amount of bill was not paid to the petitioner rather the advance amount of Rs.2,00,000/- taken by the petitioner for execution of the said work was illegally adjusted/deducted from the retiral dues of the issued petitioner vide memo no.556 dated 31.03.2018 under the signature of the Respondent no.3.

(II) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities for payment of the aforesaid amount of the contractual work to the petitioner with interest as on the ground that the Respondents had arbitrarily deducted the amount of advance of the said contractual work from the retiral dues of the petitioner as also the delay caused in payment of the said amount to the petitioner is directly attributable to the Respondents alone.

3. The brief facts giving rise to the present writ petition is that the petitioner was appointed as a Junior Engineer in the Muzaffarpur Municipal Corporation vide office order no.

519 dated 12.04.1984 and pursuant thereto, he gave his joining before the competent authority. In the year, 2016, a proposal was made by the Corporation for installation of the Pipe Line from the office of Animal Husbandry to Bibiganj Road and a decision was taken for doing the said work at the departmental level, for an estimated cost of Rs. 9,99,800/-. The petitioner was appointed as the Executing Agent and as per the assertion made by the petitioner, he completed the work as per specification and the said work was entered in the measurement book, which was duly verified by the Assistant Engineer and the Executive Engineer of the Muzaffarpur Municipal Corporation.

4. It is further case of the petitioner that for completion of the said work, an advance to the tune of Rs. 2,00,000/- was given to the petitioner on 10.08.2016 and after completion of the work, the petitioner prepared a bill of Rs. 3,39,436/-, from which necessary deduction towards Income Tax to the tune of Rs. 30,550/- was made and after deduction, an amount of Rs. 3,08,886/- was to be paid to the petitioner. The Assistant Engineer, Muzaffarpur Municipal Corporation recommended for payment of the said amount on 08.01.2017 after adjusting the advance amount of Rs. 2,00,000/-, since the work was already completed and the said recommendation was

duly forwarded and recommended by the Executive Engineer of the Corporation on 20.04.2017, but the remaining amount to the tune of Rs. 1,08,550/- was not paid to the petitioner. In the meantime, after the attaining age of superannuation, the petitioner superannuated on 31.01.2017 and vide order contained in Memo No. 556 dated 31.03.2018, the gratuity amount of the petitioner to the tune of Rs. 8,98,398/- was sanctioned. However, a direction was issued by the Municipal Commissioner, Muzaffarpur Municipal Corporation, Muzaffarpur to deduct the advance amount of Rs. 2,29,300/- and Rs.35,719/- i.e. total amount to the tune of Rs. 2,65,019/- from the retirement benefit of the petitioner and accordingly, all the payments were made to the petitioner after recovery of the above-mentioned amount to the Rs. 2,65,019/- from the retirement benefits of the petitioner.

5. It is submitted by the learned counsel for the petitioner that the petitioner filed several representations before the authorities concerned for payment of the total bill amount to the tune of Rs. 3,08,886/-, but no action was taken on the said representations.

6. A supplementary affidavit has been filed by the learned counsel for the petitioner, wherein the work order issued

in favour of the petitioner has been brought on record.

7. A counter affidavit has been filed on behalf of the respondent nos. 3 to 5 wherein it has been stated that although the petitioner claims to have completed the said work and submitted final bill to the tune of Rs. 3,08,886/-, but the final settlement and payment of the bill could not be executed/done due to the absence of complete documentation, including authenticated completion certificate, final bill, audit compliance etc.

8. It has further been submitted by the learned counsel for the State that the deduction to the tune of Rs. 2,00,000/- from the retirement dues of the petitioner was done due to non-submission of appropriate utilisation and completion certificate, which is mandatory under the Bihar Finance Rules and the Municipal Audit Manual. The petitioner submitted the measurement book wherein details were mentioned, but upon verification of the work, the Municipal Commissioner found the work to be unsatisfactory and a noting was made to the effect that *“The work is not found satisfactory. No further payment shall be made.”* and accordingly recovery was made from the retirement benefits of the petitioner. The application filed by the petitioner was rejected on 24.03.2021, with a note that that the

"*work is not satisfactory*". Further, in the measurement book, no remark has been made with regard to the fact that whether the bill is a first bill, partial bill or for the complete scheme and nor is there any written confirmation from the petitioner about the completion status of the work and even from perusal of the measurement book, it is not clear that whether the petitioner has completed the work satisfactorily or not, in these background, the order for recovery was made by the Municipal Commissioner by the impugned order dated 31.03.2018 and the same has not been assailed in the present writ petition.

9. A reply to the counter affidavit has been filed on behalf of the petitioner, wherein it has been categorically stated that the Assistant Engineer and the Executive Engineer have recommended in the measurement book that the work has been completed by the petitioner and recommended for making payment to the petitioner. During course of hearing in the present case on 09.02.2026, the Muzaffarpur Municipal Corporation was directed to verify that when the Assistant Engineer and the Executive Engineer had recommended for payment of the amount to the petitioner, since the work was already completed, then under what circumstances, the payments have not been made and if the said recommendations

were found incorrect, then what action has been taken against the Assistant Engineer and the Executive Engineer.

10. Today, when the matter has been taken upon, the learned counsel for the Muzaffarpur Municipal Corporation fairly submits that no action has been taken against the Assistant Engineer and the Executive Engineer, meaning thereby that the Corporation does not found fault with their recommendation.

11. Having heard the parties and after going through the records, this Court finds that the concerned authorities recommended for making payment to the petitioner, which is clear from Annexure-P/2 to the writ petition and they found the work to have been completed by the petitioner to be satisfactory. No further enquiry was made by the Municipal Commissioner, Muzaffarpur Municipal Corporation, since nothing has been brought on record to show that any further enquiry was conducted after the recommendation of the Assistant Engineer and the Executive Engineer for making payment, then the order passed by the Municipal Commissioner, Muzaffarpur Municipal Corporation contained in Memo No. 556 dated 31.03.2018 is without any jurisdiction, since in the impugned order, whereby a direction was issued to recover Rs. 2,65,019/- from the retirement benefits of the petitioner, no

consideration has been made by the Municipal Commissioner, Muzaffarpur Municipal Corporation.

12. Accordingly, the direction for recovery of Rs. 2,65,019/- contained in Memo No. 556 dated 31.03.2018 is not sustainable and is quashed. The petitioner is entitled for payment of an amount to the tune of Rs. 2,00,000/-, which is included in the recovered amount to the tune of Rs. 2,65,019/- and is further entitled for payment of the remaining due amount to the tune of Rs. 1,08,886/-. The petitioner will be paid the total amount to the tune of Rs. 3,08,886/-, after taking into account the income tax deductions, if any, to be made from the petitioner.

13. The entire exercise shall be completed within a period of eight weeks from the date of receipt/production of a copy of this order before the Municipal Commissioner, Muzaffarpur Municipal Corporation.

14. With the aforesaid observations and directions, the present writ petition is disposed of.

(Ritesh Kumar, J)

AjayMishra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.02.2026.
Transmission Date	NA