

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13682 of 2025

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Pramod Kumar Kanaujia Son of Late Ganesh Ram Resident of Ratanpura
Baradari Nagar Bhar Ke Masjid District- Chapra, Saran, Pin Code -841301,
(Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Law,
Government of Bihar, Patna.
2. The Distirct Judge, Civil Court, Siwan.
3. The Lekhapal Cum Nikasi Evan Vayan Padadhikari, Siwan.
4. The Judge, In-Charge (Accounts), Siwan, Civil Court, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate
For the Respondent/s : Mr. Standing Counsel (8)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-06-2026 Heard learned counsel for the petitioner, learned

counsel for the State and learned counsel for the respondent

Nos. 2, 3 & 4.

2. The present writ petition has been filed for the

following reliefs:-

*(i) For quashing of the notice
dated 22.06.2024 issued by the Lekhapal
cum Nikasi Evam Vayan Padadhikari, Siwan
for recovery of ₹11,60,377/- from the
petitioner's retiral dues without any
opportunity of hearing or recommendation
of the Screening Committee. (Annexure-P/2).*

*(ii) For issuance of a writ in the
nature of mandamus, directing the
respondents to refund ₹11,60,377/- illegally
deducted from the petitioner's pension,*



gratuity and other retiral dues, along with interest at a reasonable rate.

(iii) To hold that the action of post-retirement recovery, without fault or misrepresentation by the petitioner, is arbitrary, illegal, and violative of Articles 14 and 21 of the Constitution.

(iv) For any other relief/s which the petitioner is legally entitled to in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that the decision for recovery of Rs. 11,60,377/- from the petitioner's retiral dues has been made without granting any opportunity of hearing and only on the recommendation of the Screening Committee. Counsel further submits that the said decision has been taken in gross violation of the principles of natural justice. Counsel also submits that, on this ground alone, the order may be set aside and any decision to be taken by the respondent authorities shall be taken only after granting an opportunity of hearing.

4. Learned counsel for the respondent Nos. 2, 3 & 4 submits that from the order, it transpires that reasoning has been assigned, but the contents of the order do not contain any grant of opportunity. Therefore, he submits that an appropriate decision may be taken.



5. In light of the submissions made, it transpires to this Court that the said notice dated 22.06.2024 has been issued without granting any opportunity to the petitioner, and hence, the said notice shall be kept in abeyance.

6. It is hereby directed that an opportunity shall be provided to the petitioner, and only thereafter, a decision shall be taken, including with regard to the effect of the notice, which shall be acted upon.

7. Learned counsel for the petitioner is hereby directed to file a representation within 30 days before the District Judge, Civil Court, Siwan (respondent No. 2). Upon receipt of the same, respondent No. 2 shall take a decision within 90 days thereafter.

8. Till a decision is taken on the representation of the petitioner in accordance with this order, no action shall be taken on the basis of the notice dated 22.06.2024.

9. Accordingly, the present writ petition stands disposed of.

Aman Kumar/-

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(Dr. Anshuman, J.)

