

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17163 of 2023

Chandra Choor Singh @ Chandir Choor Singh Son of Late Vindeshwar Singh, Resident of Near Zila Madhyamik Shikshak Sangh, New Area, Gendapur, P.S. Nawada, District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Chief Engineer, National Highway Sub-Division, Bihar, Patna.
3. The Superintendent Engineer, National Highway, Karya Anchal, Patna.
4. The Superintendent Engineer, National Highway, Road Construction Department, Bhagalpur.
5. The Executive Engineer, National Highway Division, Road Construction Department, Biharshariff, Patna.
6. The Senior Treasury Officer, Nawada.
7. The State Bank of India, Nawada.
8. The Accountant General Birchand Patel Path, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar Singh, Advocate
For the State	:	Mr. Abhishek Singh, AC to GA 7
For the SBI	:	Mr. Apurv Harsh, Advocate
For the AG, Bihar	:	Mr. Chaitanya Swaroop, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

10 20-07-2026 Heard learned counsel appearing on behalf of the petitioner; learned counsel for the State; learned counsel for the SBI and learned counsel for the Accountant General, Bihar.

2. The petitioners in paragraph no. 1 of the present writ petition has sought inter alia the following relief(s), which is reproduced hereinafter:-

“I. For issuance of an appropriate writ in the nature of certiorari for quashing the recovery order from pension of the petitioner by way of excess payment as



contained in Annexure-P/5 series.

II. For issuance of an appropriate writ in the nature of mandamus commanding the respondent to revised the pension, due payment of pension since December, 2022 onwards and pay the pension forthwith which is not being paid rather withheld orally by the disbursing agency.

III. For issuance of an appropriate writ in the nature of mandamus commanding the respondent to pay full due retiral entitlement i.e. Provident Fund and Insurance amount and Group Insurance with applicable rate of interest, besides petitioners is getting much less pension.

IV. For issuance of an appropriate writ/writs, order/orders, direction/directions for which petitioner is entitled for in the facts and circumstances of the case with consequential benefits”

3. Learned counsel appearing on behalf of the petitioner informs this Court that an amount of Rs.6,31,280/- has been recovered from the pension of the petitioner in light of letter contained in memo no.238 dated 13.05.2023 (Annexure P/5). It is admitted that the petitioner is a retired Barrier Operator falling under Group “D”. The Supreme Court has deprecated the action on part of such organization including the State Government for recovering any pensionary benefit from a retired group “D” employee. Law in this regard has been laid down in one of the important cases **State of Punjab & Ors. Vrs. Rafiq Masih & Ors.**, reported in (2015) 4 SCC 334 and subsequently it has been clarified in in the case of Thomas Daniel Vrs. State of Kerala & Ors. reported in 2022 LiveLaw (SC) 438.

4. Mr. Abhishek Singh, learned counsel appearing on behalf of the State informs this Court that corrective measures



will be taken with respect to the case of the petitioner in light of law laid down by the Apex Court in case of **Rafiq Masih (supra) & Thomas Daniel (supra)** forthwith.

5. Considering the aforesaid information made on behalf of the State, I find that the action of the respondents are against the settled principle of law. Petitioner has retired from the post of Barrier Operator, which is a Class D post and no recovery can be made from the petitioner's pensionary benefits in light of law laid down by the Apex Court in case of **Rafiq Masih (supra) & Thomas Daniel (supra)**. Action of the respondent authorities is deprecated. The order impugned contained in Annexure P/5 series is hereby quashed and set aside.

6. The petitioner must be given information regarding the corrective steps taken by the respondent, particularly, the Chief Engineer, National Highway Division, Bihar Patna. The Chief Engineer may call for the records relating to the petitioner from the places of his posting and see that corrective steps be taken well within a period of six weeks from the date of communication of this order. The revised pension/payment particulars shall also be communicated to the State Bank of India, Nawada Branch, to facilitate disbursement of the



petitioner's lawful dues.

7. The petitioner, if so advised, may also participate within the said period along with a copy of this order.

8. The writ petition stands disposed of.

(Purnendu Singh, J)

Sanjay/-

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