
(2001) 04 JH CK 0015
In the Jharkhand High Court
Case No : CWJC No. 3411 of 1999 (R)

Krishna Prasad

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 26-04-2001

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2001) 04 JH CK 0015

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Anil Kr. Sinha, J.P. Pandey and S. Arun, for the Appellant; C. Prabha and M. Patra, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—The petitioner, a Village Level Worker, posted at Bishrampur, Palamau, has challenged the order, contained in letter No. 688 dated 30th November, 1998, whereby and whereunder, the BDO Chandwa has requested the Block Development Officer. Bishrampur to recover a sum of Rs. 21,000/-from the salary of petitioner by adjustment and to forward the amount by Bank draft to him (BDO, Chandwa).

2. The respondent No. 3, BDO. Chandwa in his counter-affidavit while stated that the Deputy Commissioner, Palamau is the controlling officer, taken plea that a sum of Rs. 21,000/- was advanced to petitioner for execution of a number of schemes. The petitioner having not submitted the expenditure voucher nor having deposited the advance amount, the request aforesaid made to BDO, Bishrampur under whom the petitioner is posted.

3. According to the counsel for the petitioner, the amount as was received by the petitioner as advance, while posted in Chandwa Block, has already been adjusted and the petitioner has also been provided with NOC. However, the aforesaid disputed fact as to whether till the money is lying with the petitioner and/or deposited/adjusted, cannot be determined by this Court under Article 226 of the Constitution of India.

4. Having regard to the facts and circumstances, the case is remitted to the Deputy Commissioner, Palamau before whom the petitioner will represent along with a copy of this Order. The petitioner will give the details of advance as received by him while posted at Block Chandwa and the other relevant details evidences to show that the advance given has already been adjusted/ deposited in the Treasury.
5. On receipt of such representation, the Deputy Commissioner, Palamau will get the matter enquired through any officer of the rank of Deputy Collector and may also call for report from the office of the BDO. Chandwa.
6. After such enquiry, taking into consideration the representation, as may be made by the petitioner, the Deputy Commissioner, Palamau will determine as to whether the petitioner is liable to pay further amount or any amount to be adjusted from the salary of the petitioner or not, within three months.
7. The writ petition stands disposed of with the aforesaid observations and directions.
8. Petition disposed of.