

(2007) 02 PAT CK 0058
In the Patna High Court

Mahendra Pandit

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 27-02-2007

Acts Referred:

Citation : (2007) 3 PLJR 341

Hon'ble Judges : Barin Ghosh, J

Bench : Single Bench

Judgement

Barin Ghosh, J.—In the writ petition, the petitioner is seeking a direction for issuance of his last pay certificate. This last pay certificate has been issued on 31st January, 2007. In such view of the matter the grievances of the petitioner have been met.

2. It has been contended by the learned Counsel for the petitioner that on the reverse of the last pay certificate it has been indicated that large sums of money are due from and owing by the petitioner to the State. The part of the last pay certificate where these endorsements have been made is the part of the printed column of the Vast pay certificate. The printed columns of the last pay certificate do not authorise making of an entry showing that any money is recoverable from the employee concerned in whose favour the last pay certificate is being issued.

3. In those circumstances, it is declared that the reverse portion of the last pay certificate where it has been shown that large sums of money are due from and owing by the petitioner is, in fact, blank and no entry has been made therein. The entries as made therein would be ignored for all practical purpose.

4. Learned Counsel for the State submitted that inasmuch as the petitioner despite Court's order has not handed over charge and in as much as the petitioner has failed to account for the sums of money and materials belonging to the State lying in his custody, those entries had been made in the last pay certificate. When the last pay certificate does not authorise making of such entries, it was futile on the part of the State Government to make such entries in

the last pay certificate. Instead of making those entries in the last pay certificate. I think it was appropriate on the part of the Stats Government to initiate proceedings against the petitioner either u/s 55 or Section 55A of the C.C.S. Rules inasmuch as only after taking proceedings thereunder the petitioner could either be appropriately disciplined or any money due from and owing by the petitioner could be recovered.

5. In those circumstances, with the observations as above, the writ petition is disposed of.

6. It is made clear that while disposing of this matter I had no occasion to go into the question whether the petitioner has, In fact, handed over charge or has failed to account for any material or money belonging to the State. That must be enquired into in the proceedings that may be conducted in terms of the provisions of Section 55 or 55A of the said Rules.

7. Inasmuch as the last pay certificate has been issued, it goes without saying that the authorities concerned shall start making payment of the salaries on the basis thereof.

8. Let a copy of this order be handed over to the learned Counsel for the State.