

(2003) 10 PAT CK 0009
In the Patna High Court
Case No : M.J.C. No. 1827 of 2000

Shov Nath Ram @ and Sov Nath Ram	APPELLANT
Vs	
The State of Bihar and Others	RESPONDENT

Date of Decision : 15-10-2003

Acts Referred:

Citation : (2004) 1 PLJR 769

Hon'ble Judges : Radha Mohan Prasad, J

Bench : Single Bench

Advocate : Harendra Pratap Singh, for the Appellant; S.J. Rahman, for the Respondent

Judgement

Radha Mohan Prasad, J.—Learned Counsel for the Petitioner submits that the order of this Court has been complied except that a sum of Rs. 10,020/- has been deducted from his retiral dues by way of recovery on account of alleged excess payment made by wrong fixation of pay. He submitted that it is not the case of the opposite parties that the said alleged excess payment was made on account of any representation/misrepresentation of fraud committed by the Petitioner. Under such circumstances, in view of the law settled, such recovery is not permissible.

2. Learned Government Pleader No. VII fairly referred to the decision of this Court in the case of Ras Bihari Singh Vs. The State of Bihar and Others, , and submitted that in view of the principle decided in the said case, the amount recovered shall be paid to the Petitioner within ten days.

3. Thus, this M.J.C. application is disposed of with the direction that the said amount must be paid to the Petitioner that the said amount must be paid to the Petitioner within ten days, failing which the Petitioner will be at liberty to file two-page affidavit for revival and for taking appropriate action.

4. However, it is made clear that fixation of pension on the basis of correct pay has not been interfered by this Court.