

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**W.P.(S) No. 813 of 2018**

Anarul Haque, aged about 61 years, son of late Habib Sheikh, resident of village-Nalhoti, Post Office and Police Station-Nalhoti, District-Virbhum (West Bengal)

... **Petitioner**

**-Versus-**

1. The State of Jharkhand
2. The Deputy Commissioner, Pakur, P.O. and P.S. and District-Pakur
3. The Executive Engineer, P.W.D. (Works) Division, Pakur, P.O. and P.S. Pakur, District-Pakur
4. The Assistant Engineer, P.W.D. (Works) Division, Pakur, P.O. and P.S. Pakur, District-Pakur
5. Block Development Officer, Maheshpur Block, Pakur, P.O. & P.S. Pakur, District-Pakur

... **Respondents**

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**CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI**

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For the Petitioner	: Mrs. Nitu Sinha, Advocate
For the Respondent-State	: Mrs. Darshana Poddar Mishra, A.A.G.-I

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**10/Dated: 10<sup>th</sup> September, 2020**

1. Heard Mrs. Nitu Sinha, learned counsel for the petitioner and Mrs. Darshana Poddar Mishra, learned Additional Advocate General-I appearing for the respondent-State.
2. This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been heard on merit.
3. The petitioner has preferred this writ petition for direction to the respondents concerned to return back the amount of Rs.5,50,000/- with interest, which has been deducted from the salary and retiral dues of the petitioner.
4. Mrs. Nitu Sinha, learned counsel for the petitioner submits that the petitioner was appointed as Panchayat Sewak on 18.10.1986 and served in different Blocks of Pakur District during his service period with due satisfaction

of his superior authorities. The petitioner retired from service on 31.01.2017 from Pakur Block in Pakur District. She further submits that the work of construction was allotted jointly to the petitioner and one Ainul Haque, the Treasurer and during the construction work, advance amount was sanctioned and allotted on different dates by the Block Development Officer, Maheshpur in favour of the petitioner and Treasurer Ainul Haque after computing and calculating the bills submitted by them. She also submits that the allotted construction work was completed in December 2011 and the petitioner was transferred to Pakur Block in the year 2012. The petitioner could not submit the bill for total work before his transfer in the year 2012 to the Pakur Block. The petitioner came to know regarding the fact that outstanding amount of Rs.5,50,000/- is still due, whereas, the petitioner has already submitted the bill of Rs.5,87,939/- approved by the Executive Engineer, P.W.D. (Works Division, Pakur) and Assistant Engineer, Maheshpur Block, Pakur against the said advance amount of Rs.5,50,000/-. The said document is contained as part of Annexure-2 to the writ petition. The petitioner retired from service on 31.01.2017 and even after his retirement, the amount of Rs.1,05,000/- was deducted from the retiral dues of the petitioner. Learned counsel for the petitioner assails the impugned order on the ground that the petitioner has already deposited the required bill, which is apparent from part of Annexure-2. She further submits that the said bill is countersigned by the Executive Engineer and Assistant Engineer. She further submits that any bill or document was never demanded by the respondents. She also submits that without issuing any show-cause and without following the principle of natural justice, the impugned order has been passed. She further submits that pursuant to the order of this Court dated 13.01.2020, now the respondents are come forward with the supplementary affidavit. In the said affidavit, there is no disclosure with regard to the points raised by this Court vide order dated 13.01.2020. She further submits that in the said affidavit,

some letters dated 26.09.2017, 10.11.2018, 31.12.2019 and 04.02.2020 have been brought on record, which have been issued subsequent to the retirement of the petitioner. She also submits that these letters have also not been received by the petitioner. Lastly she submits that the petitioner is ready to submit photo copy of the muster roll and voucher etc. of material bills. If the petitioner is submitting the muster roll and voucher etc. of material bills, he is entitled for refund of the amount with interest.

5. Per contra, Mrs. Darshana Poddar Mishra, learned Additional Advocate General-I appearing for the respondent-State vehemently opposes the prayer of the petitioner and submits that deduction was being made from the year 2012 and the petitioner has not raised any finger and after much delay, the petitioner has approached this Court. She fairly submits that the petitioner may be directed to submit the muster roll and vouchers etc. of material bills, as shown in the impugned order before the authority concerned, who will pass appropriate order, in accordance with law.

6. In view of the aforesaid facts and considering the submission of the learned counsel for the parties, it transpires that the petitioner retired on 31.01.2017 and by way of filing supplementary affidavit pursuant to the order of the Court, some letters are brought on record which are issued subsequent to the retirement of the petitioner meaning thereby the petitioner has not been served with any show-cause for deduction of that amount. From Annexure-2, it transpires that bill, voucher etc. are counter signed by the Executive Engineer and Assistant Engineer respectively. Thus, it cannot be said that the voucher, bill etc. are not being produced by the petitioner. In view of the submission of the learned counsel for the petitioner that the petitioner is ready to submit the muster roll and voucher etc. of material bills, the prayer of the petitioner is allowed. The petitioner is directed to submit the muster roll and voucher etc. of material bills before respondent no.5. If the documents are filed by the

petitioner, respondent no.5 will consider those documents and take it on record and if the requirement is fulfilled by way of filing of those documents, deducted amount shall be refunded to the petitioner within a period of eight weeks after filing of those documents by the petitioner. It goes without saying that if the amount as claimed by the petitioner is beyond Rs.5,50,000/- as it is claimed by the petitioner that the amount is Rs.5,87,939/-, rest of the amount shall also be refunded to the petitioner.

7. With the aforesaid observation and direction, this writ petition stands disposed of.

**(Sanjay Kumar Dwivedi, J.)**

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