

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

W.P.(S) Case No. 6900 of 2019

Dr. Amareshwar Prasad ... Petitioner  
Vs.  
The State of Jharkhand & Ors. ... Respondents

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**CORAM: THE HON'BLE MR. JUSTICE DR. S.N.PATHAK**  
**(Through: Video Conferencing)**

For the Petitioner : Mr. Saurabh Shekhar, Advocate  
For the Opposite Parties : Mr. M. Lal Yadav, SC (L & C)-III

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**08/ 17.04.2021** From perusal of the affidavit filed by the respondent-State-Treasury Officer, it appears that in spite of interim order passed by this Court dated 29.01.2020 which was further extended vide order dated 03.03.2021, the Treasury Officer has made deduction from the pension of the petitioner for the period from May, 2020 to March, 2021.

From Annexure-1A/3 to interlocutory application No.46/2021, it appears that the Joint Secretary of the Department of Health has issued a letter regarding the stay of recovery by the High Court and same was duly communicated to the Accountant General Office as well as office of learned Advocate General and also to the Treasury Officer, Ranchi. In spite of this letter, deduction was made from the pension of the petitioner from May, 2020 to March, 2021.

The Treasury Officer is present in the Court through video Conferencing and submits that he was unaware of the Court's order, apologizes for the same and undertakes to refund the entire amount, which has been deducted from the pension of the petitioner

This Court fails to understand that when the order of this Court was passed in the presence of the Law Officer of the State and, a letter dated 10.06.2020 issued by the Joint Secretary of the Health Department, had already been communicated to the Treasury Officer, how the Treasury Officer can take a plea that he was not aware of the Court's order. This is a glaring example, which shows that what respect the Officer of the State are having to the Court's order. The Court passed the order of stay of recovery from pension of the petitioner, the Officer of the State defy the order and deducted the amount and when it was brought to the knowledge of the Court and cognizance is being taken, hurriedly an affidavit is filed stating therein that the deducted amount shall be refunded.

Under the aforesaid circumstances, let the entire amount deducted from the pension of the petitioner be refunded in view of the Court's order along with a cost of Rs.15,000/- (Fifteen thousand only) to be paid to the petitioner from the salary /pocket of the erring official.

Let the Principal Secretary Health Department file a specific affidavit as to what action has been taken by the Department against the erring officials, who are responsible for flouting the Court's order.

The physical appearance of the Treasury Officer is hereby dispensed with.

Put up this case after four weeks.

Let a copy of this order be communicated to the Principal Secretary, Health Department for necessary action.

**(Dr. S.N. Pathak, J.)**

punit/-