

WP(C) 4555/2016

BEFORE

HON'BLE MR. JUSTICE MANOJIT BHUYAN

Heard Mr. R.K. Malakar, learned counsel for the petitioner as well as Mr. R.M. Deka, learned counsel representing Respondent Nos.1 to 7. Ms. A. Verma, learned counsel represents Respondent No.8, whereas Mr. A. Hasan, learned counsel represents Respondent No.9.

The petitioner retired from service on 31.01.2016 and to that end, a letter was also issued by the Executive Engineer, PWD (R), Guwahati City Division No.II asking him to hand over charge as he is due to retire on 31.01.2016. The petitioner handed over charge accordingly. Grievance raised is that by letter dated 18.04.2016, signed on 09.05.2016, petitioner was informed by the Executive Engineer, PWRD that an amount of ' 7,73,709.00 had been paid in excess to him, which he had drawn with effect from 01.02.2015 to 31.01.2016. The said letter also indicated that the petitioner was to retire on 31.01.2015 instead of 31.01.2016. Direction was made to refund the said amount in one installment by Treasury Challan.

The petitioner submits that the proposed recovery of the aforesaid amount is wholly illegal, inasmuch as there is no question of any over-stay in service. Even if it is so, the same was not on account of any misrepresentation made by the petitioner.

In view of the above, let Notice be issued, making it returnable by 6(six) weeks.

Extra copies of the writ petition be furnished to the learned counsel representing the respondents.

Pending return of notice, it is made clear that no recovery shall be made in terms of the letter dated 18.04.2016 (Annexure-G to the writ petition). The petitioner also contends that he is going through hard times and the Provident Fund amount which is due to him be directed to be paid expeditiously. On such submission, a direction is made that steps in that regard would be taken by the State respondents to release the Provident Fund amount due to the petitioner preferably within 8(eight) weeks from today.

As all the respondents are represented, matter be posted for admission on the returnable date.