

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 361 of 2021

Vijay Kumar Singh Petitioner
Versus
The State of Jharkhand & Others Respondents.

CORAM : HON'BLE MR. JUSTICE DR. S.N. PATHAK

(Through Video Conferencing)

For the Petitioner : M/s Satish Chandra Jha &
Vijay Kumar Jha, Advocates
For the Resp.-State : Mr. Mohan Kumar Dubey, AC to AG
For the Resp. Nos.7 & 8 : Mr. Arvind Kumar Mehta, Advocate

5/ 07.02.2022 The petitioner has approached this Court for quashing the order dated 2.11.2020 (Annexure-13), whereby, the respondent authority directed to adjust the alleged excess amount from the pension and gratuity of the petitioner due to change of date of birth, for which a departmental proceeding under Rule 43(b) of the Jharkhand Pension Rules has been initiated.

Justifying the aforesaid order, Mr. Mohan Kumar Dubey, AC to AG submits that the State is fully justified, as there was every chance of the petitioner to be traceless and as such, the amount was recovered even during the pendency of the departmental proceeding.

Let counter affidavit be filed by the respondent-State stating therein whether the State was justified to recover the amount during the pendency of departmental proceeding initiated under Rule 43(b) of the Jharkhand Pension Rules.

Let the said counter affidavit be filed duly sworn by an Officer not below the rank of Dy. Superintendent of Police.

Counter affidavit filed earlier in this case sworn by Sargent Major-01, Gonda, Ranchi is not acceptable to this Court.

Put up this case on 24.02.2022.

In the meantime, no further recovery shall be made till final disposal of the writ petition.

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