

THE HIGH COURT OF MEGHALAYA AT SHILLONG.

WP(C) No. 250 of 2015

Shri Shankar Dubey,
Son of (L) Tribeni Dubey,
Village Bisanpura,
P.S. Kamalpur Bithraul,
District: Muzaffarpur, Bihar

... **Petitioner**

- Versus -

1. The State of Meghalaya,
Represented by the
Commissioner, Secretary
Home, Shillong
2. The Assistant Inspector
General of Police (E),
Meghalaya, Shillong.
3. Shri K. Prasad,
The then Officer-in-Charge,
Shillong Sadar P.S and
presently serving as D.S.P.
East Khasi Hills, Shillong.

... **Respondents.**

BEFORE

THE HON'BLE MR JUSTICE SR SEN

For the Petitioner : Mr. A.S. Siddiqui, Adv.

For the Respondent s : Mrs. S. Bhattacharjee, GA

Date of hearing : **30.05.2017**

Date of Judgment & Order : **30.05.2017**

JUDGMENT AND ORDER (ORAL)

Heard Mr. A.S. Siddiqui, learned counsel for the petitioner as well as Mrs. S. Bhattacharjee, learned State counsel.

2. The brief fact of the petitioner's case in a nutshell is that:

"The Petitioner who was serving as an Incharge Pay Branch, Police Reserve, Shillong, retired from service on 28.02.2005 and thereafter handed over the charge as Incharge Pay Branch to the incoming incumbent ABSI H. Kharbuli who duly issued an Acknowledgement as a token of Acceptance and the same was duly signed by the Superintendent of Police and after fulfilling all the necessary requirement and formalities finally left for his native place at Bihar, wherein he received a Notice after six years asking him to depose and answer to the irregularities while handling over the charge and when the Petitioner went to depose he was forced a Promise Bond with an undertaking to pay an amount of Rs. 4,78,000/- which the Petitioner did on 17.8.2011 and being aggrieved by the aforesaid illegal acts of the Respondents the Petitioner approached this Hon'ble Court and this Hon'ble Court after hearing the parties vide order dated 14.3.2014 directed the Respondent No. 2 to conduct an inquiry and in pursuance of the said direction an inquiry was conducted but the report of the same was not furnished to the Petitioner and finally the Report was furnished when the Petitioner seek the same under R.T.I and from the Report the Petitioner learnt that the Inquiry was not conducted properly and the materials on record were not considered and so also the amount recovered from the Petitioner was deposited in the Police Welfare Fund (D.E.F) which clearly shows that the amount recovered from the Petitioner was not a Govt. money.

Hence this petition."

3. The learned counsel for the petitioner at the beginning submitted that the persons who had taken the loan has already refunded the loan, besides that the respondent also recovered the loan from the petitioner at the tune of Rs. 4,77,949/- (Rupees four lakhs seventy seven thousand nine hundred forty nine) only. In my considered view, it shows that there is a double payment to the Government by way of refund. The respondent's authority is directed to call the persons who have taken the loan and examine whether they have already returned the loan amount which they have received. In case it is found that double payment has already been made, in such a case, the petitioner is definitely entitled to get back his money, because the loan was received by some other persons and not by the petitioner. Let this enquiry be completed within a month from the date of receipt of this judgment and order.

4. With this observation and direction the writ petition is allowed to that extent and stands disposed of.

JUDGE

D. Nary