IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.387 of 2025
In
Civil Writ Jurisdiction Case No.11407 of 2024

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1. Union of India through Secretary Ministry of Home Affairs, North Block, New Delhi.
2. Director General, Central Industrial Security Force, Balock No. 13, CGO Complex, Lodhi Road, New Delhi - 110003.
3. Inspector General, CISF Eastern Sector Hqrs. Tiril Ashram, Ranchi, Jharkhand - 835303.
4. The Deputy Inspector General, CISF Eastern Zone Hqrs, GD Mishra Path, New Patliputra Colony, Boring Road, Patna, Bihar - 800013.
5. The Group Commandant Central Industrial Secuirty Force, Ministry of Home Affairs, Eastern Head Quarter, Boring Road, Patliputra, Patna, Bihar - 800013.
6. The Deputy Commandant, CISF Unit BRBCL, Nabinagar, P.O. - Pirauta, District- Aurangabad, Bihar - 824303, 7, Regional Pay and Account Office, CISF, A.G. Office Complex, Doranda, Ranchi, Jharkhand - 834002.
7. Dy. Inspector General (Adm), Lodhi Road, New Delhi.

... ... Appellant/s

Versus

Pramod Kumar Sinha, Son of Thakur Rabindra Singh, Resident of Ward No. 10, New Mainpura, Opposite Ashiyana Green City Apartment, Saguna, P.O. and P.S. - Danapur, Patna, Bihar - 801503.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mrs. Punam Kumari Singh, Advocate
For the Respondent/s : Mr. Gajendra Pratap Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-09-2026

This appeal lays challenge to the order of the learned Single Judge, whereby the learned Single Judge has allowed the petition by stating in Paragraph 15 as under:-

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> *"According to this Court, no recovery can be made from a Class-III employee, who has not misappropriated or misrepresented the government fund and incorrect fixation is on the part of the Department. Therefore, the order/communication contained in Letter No.8422 dated 30.11.2023 (Annexure P-4), Letter No.2798 dated 08.12.2023 (Annexure P-2), Letter No.RPAO/CISF/MHA/RAN/PENII/23-24/218, dated 12.10.2023 (Annexure P-3) and Letter No.629, dated 18.03.2024 (Annexure P-6) are hereby set aside and quashed."*

2. Suffice to state, the respondent herein has challenged the communication dated 30.11.2023; 12.10.2023 and 18.03.2024, whereby the appellants herein had sought to make recovery of an amount of Rs. 2,13,908/-.

3. The conclusion drawn by the learned Single Judge is primarily relying upon a judgment of the Supreme Court in ***State of Punjab & Ors. v. Rafiq Masih (White Washer) & Ors.; (2015) 4 SCC 334***.

4. We find that the appellants herein sought to rely upon the judgment of the Supreme Court in ***High Court of Punjab and Haryana & Ors. v. Jagdev Singh; (2016) 14 SCC 267*** to contend that in the said judgment the Supreme Court has allowed the petition in favour of the employer only on the ground that when an employee gives an undertaking, he is bound by the undertaking, and in that eventuality the recovery can be effected.

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5. We find that the learned Single Judge has distinguished the judgment in the case of ***Jagdev Singh*** (supra) by stating in Paragraph 14 of the impugned order as under:-

> *"14. I find it proper to make differentiation between the judicial officers, who are posted as Superior Judicial Service and any undertaking which officer of such a rank is required to be honored by them. In the present case, petitioner who is a class III employee and differentiation as has been made by the Apex Court in case of* ***Jagdev Singh (Supra)*** *being in case of Class II employee, the ratio will not be applicable in the present case, i.e., in case of non-gazetted employee, even if such undertaking was taken while the petitioner had filled for option as per the requirement of Rule 6(2). The petitioner is now retired and for the said reason, his pensionary benefit has been reduced after recovery of an amount of Rs.2,13,908/-, resulting from the effective date when such recovery has been made from the petitioner leading to fixation of his pension at a reduced rate after his retirement. It is made clear that the petitioner had retired on 31.07.2023 and order of recovery has been made on 30.11.2023. If such recovery is allowed to go then the same will put hardship to the petitioner to meet his day to day life expenses."*

6. We have been informed that the respondent has since retired.

7. As the amount is only Rs. 2,13,908/- and the respondent has retired, we are of the view that the impugned order passed by the learned Single Judge need not be interfered in the facts.

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8. The appeal is dismissed.

9. Pending application(s), if any, shall also stand disposed of.

(V. Kameswar Rao, CJ)

(Sudhir Singh, J)

P.K.P./-

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