

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2783 of 2015

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Bisheshwar Prasad S/o Late Baleshwar Prasad Resident of Village - Bulakipur,
P.O. - Kamrau, P.S. - Dalsinghsarai, District - Samastipur.

.... Petitioner/s

Versus

1. The Bihar State Power Holding Company through its Chairman cum Managing Director, Vidyut Bhawan, Bailey Road, Patna (North).
2. The Director Terminal Benefit, The Bihar State Power Holding Company, Vidyut Bhawan, Bailey Road, Patna.
3. The General Manager cum Chief Engineer, Kosi Area, Electric Supply Region, Saharsa.
4. The Accounts Officer, Electric Supply Circle, Purnea.
5. The Electrical Superintending Engineer, Electric Supply Circle, Purnea.
6. The Electrical Executive Engineer, Electric Supply Division, Purnea.
7. The Assistant Electrical Engineer, Electric Supply Sub. Division, Banmankhi, District - Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kameshwar Prasad Gupta

For the Respondent/s : Mr. Vinay Kirti Singh

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

Date: 16-02-2015

Heard learned counsel for the parties as with regard to the following relief prayed in this writ application:-

"That this is an application for issuance of an appropriate writ and/or order directing the Respondents for payment of the following retiral dues legally payable to the petitioner:-

(i) Left over due interest for the period 01.12.2010 to 20.07.2012 payable on G.P.F. to the petitioner.

(ii) Left over due interest for the period 01.12.2010 to 18.04.2012 payable on G.S.S. to the petitioner.

(iii) Differences of dues of Grade Pay as per 6th Pay

Revision payable to the petitioner.

(iv) Legal Litigation cost for Rs. 50,000/- for compelling the petitioner to file CWJC No. 8929 of 2012 as well as for filing a contempt petition bearing MJC No. 2588 of 2013 before Hon'ble Patna High Court for getting payment of his retiral dues." .

Having regard to the fact that now the petitioner wants inclusion of payment of interest by filing this writ application in view of the observation made in the earlier contempt application which was dismissed by a reasoned order, it will be very difficult for this Court to issue any direction for payment of interest to the petitioner specially when the petitioner, instead of filing this writ application, could have obtained first an information from the authority of the Company succeeding the Bihar State Electricity Board with regard to the amount of interest paid to the petitioner.

Let it be noted that when earlier the issue was raised by the petitioner in the contempt application, this Court had recorded as follows:-

"This application alleges wilful/deliberate disregard/violation of the order dated 27.03.2012 passed in CWJC No. 829 of 2012 whereby the petitioner was directed to submit a representation for consideration of his claim for payment of the retiral dues. If the dues were found due and admissible then the same was required to be disbursed in favour of the petitioner.

Mr. Vinay Kirti Singh, learned counsel for the opposite parties with reference to the averments made in the show cause as well as the supplementary show cause, states that the dues found due

and admissible have been paid to the petitioner. On the strength of a communication dated 03.03.2014 so received by him issued by the Deputy General Manager-cum-Electrical Superintending Engineer, Kosi Area Electrical Supply, Saharsa, it is stated that the statutory interest under the head(s) GPF and GSS have also been calculated and authorized in favour of the petitioner.

Learned counsel for the petitioner, on the other hand, submits that calculation chart/details of dues authorized have not till date been furnished.

Be that as it may, considering the order passed on the writ petition and the facts disclosed in the show cause/supplementary show cause as well as the submissions of Mr. Vinay Kirti Singh, this Court is satisfied that the present contempt application merits no further persuasion. It is accordingly dismissed.

Dismissal of the application shall not preclude the petitioner from ventilating his grievance(s) with regard to non payment of statutory interest/deficient payment of the dues, if any, before the appropriate authority/forum in accordance with law."

As would be evident, this Court was informed with regard to admissible amount made to the petitioner on the head of G.P.F. and G.S.S. including its interest. This Court, in fact, having noted such submission of the learned counsel for the opposite parties had dismissed the contempt application. Therefore, if a liberty was given to the petitioner for raising his grievance for payment of statutory interest, the petitioner, instead of rushing to this Court, ought to have first collected an information as to what amount of interest was given to him and how much remains to be paid. That having been not done,, this writ application definitely is ill advised and misconceived.

This application is, accordingly, dismissed.



Nothing said in this order, however, will come in the way of the petitioner in approaching the competent authority of the Company for getting the calculation of payment of interest on the amount, in question, and if it is found that the petitioner has not been paid certain amount of interest, though payable by way of statutory interest, the authority will look into this aspect and also do the needful strictly in accordance with law.

(Mihir Kumar Jha, J)

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