

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4000 of 2015

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Basant Kumar Sinha Son of Late Gupteshwar Prasad, resident of
Mahuabag, P.S.- Rupaspur, District- Patna

.... Petitioner

Versus

1. The Bihar State Power Holding Company Limited through its
Chairman/Managing Director, Vidyut Bhawan, Bailey Road, Patna
2. Director, Administration/Human Resources, Bihar State Power Holding
Company Limited, Vidyut Bhawan, Bailey Road, Patna
3. General Manager, Human Resources/Administration, Bihar State Power
Holding Company Limited, Vidyut Bhawan, Bailey Road, Patna
4. Officer on Special Duty, Human Resources/Administration, Bihar State
Power Holding Company Limited, Vidyut Bhawan, Bailey Road, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Amar Nath Singh, Adv.

Mr. Ram Prawesh Kumar, Adv.

For the Respondent/s : Mr. Vinay Kirti Singh, Addl.S.C.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 18-03-2015 Heard learned counsel for the parties.

After some argument learned counsel for the petitioner
seeks permission to withdraw this application in order to enable
the petitioner to file an appeal against the impugned order.

At this stage Mr. Vinay Kirti Singh, learned counsel
appearing on behalf of the respondent Company, would submit
that in changed circumstances when the Board has already been
replaced by Power Holding Company, the order passed by the
Chairman cum Managing Director of the Company becomes final
and there would be hardly any prospect for an appeal.

In the considered opinion of this Court the petitioner was

an employee of erstwhile Electricity Board who had retired from the service in the year 2010 from North Bihar Distribution Company. In that view of the matter, the power of appeal as ensured to him to Clause 37 of the standing order cannot be taken away and if final order now has been passed by the Chairman cum Managing Director an appeal definitely will have to be adjudicated by the Board of Directors of the Company which becomes the higher authority of the Chairman cum Managing Director.

It is however made clear that in that meeting where the appeal of the petitioner would be considered the CMD will disassociate himself as his order is under challenge.

With the aforementioned observations and liberty this application is permitted to be withdrawn.

(Mihir Kumar Jha, J)

surendra/-

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