

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.701 of 2013

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Lal Bihari Singh, S/O Late Shyam Lal Singh, Assistant Controller,
Transmission Sub Station, Supaul, P.S., P.O. & District- Supaul

.... Petitioner

Versus

1. Bihar State Electricity Board through its Secretary, Vidhyut Bhawan, Bailey Road Patna- 800001
2. The Chairman, Bihar State Electricity Board, Vidhyut Bhawan, Bailey Road, Patna- 800001
3. The General Manager Cum Chief Engineer, Bihar State Electricity Board, Transmission Zone- II, 132/33 KV Grid S/S Campus, Bhikhanpura, P.O. Khabra, Muzaffarpur- 843146 (Bihar)
4. Superintending Engineer, Bihar State Electricity Board, Transmission Circle, Patna
5. Executive Engineer, Bihar State Electricity Board, Supaul Transmission Sub-Station Supaul
6. Executive Engineer, Electrical Board Koshi Jal Shakti Adhasthan Birpur, Supaul
7. Assistant Engineer, Bihar State Electricity Board, Supaul in Charge Transmission Sub-Station Supaul

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Bhartee

For the Respondent/s : Mr. Vinay Kirti Singh

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

6 01-10-2015 Heard learned counsel for the petitioner and the

Electricity Board (now Power Holding Company).

2. The petitioner seeks release of the entire amount of

penal rent deducted from his salary since October, 2010.

3. The petitioner was appointed on the post of

Assistant Operator on 23.07.1984. Later on, he was transferred to

Grid Sub Station, Supaul on 06.02.2006. He was allotted a quarter

at Supaul. The petitioner was again transferred to Kataiya

Transmission Sub-station on 22.06.2009, where he joined on 26.06.2009. A quarter was also offered, which declined. After about six months, the petitioner was retransferred from Kataiya to Supaul, where he joined on 16.12.2009 and shifted in his old quarter.

4. It appears that the respondent charged the normal rent for the Month of July, 2009. However, for the August-September, 2009, five times the rent was charged, which increased to 10 times for October to December, 2009. Again penal rent was charged from October, 2010 onwards totaling Rs. 1,14,761/-.

5. The petitioner is aggrieved with charge of penal rent from August, 2009 onwards. He submits that at any point of time, he retained only one official quarter and as such he was not liable to pay the penal rent. He submits that he did not take quarter at his transferred place at Kataiya, but instead he retained the one at Supaul, from where he was transferred.

6. On the other hand justifying the penal actions, counsel for the Board submits that penal rent has been charged as per the office Order No. 3388 dated 07.08.1985. As per office order, if a person is transferred, he has formally to vacate the premises, which the petitioner did not do. He did not vacate his premises at Supaul and as such penal rent was charged for its

occupation from the second month and accordingly deduction has been made from his salary.

7. The petitioner in reply submits that in any view of the matter since he was retransferred in December to Supaul, no penal rent should have been charged for the period beyond December, 2009.

8. In my view, the petitioner should approach the respondent no.3, the General Manager, with his representation, who would dispose of the same within a period of two months from the date of receipt of a copy of this order and would provide a hearing.

9. This application stands disposed of.

(Samarendra Pratap Singh, J.)

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