

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.363 of 2014

In

Civil Writ Jurisdiction Case No. 5877 of 2013

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1. Ajya Prasad Son of Sri Vishundeo Prasad Resident of Mohalla-Naya Tola, Keshopur, P.O. and P.s.-Jamalpur, District-Munger.

.... Petitioner/s

Versus

1. The Bihar State Electricity Board through its Chairman.
2. The Chairman-cum-Managing Director, Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Patna.
3. The Secretary, Bihar State Power (Holding) Company Ltd. Vidyut Bhawan, Patna.
4. The Joint Secretary, State Power (Holding) Company Limited, Vidyut Bhawan, Patna.
5. The Chief Engineer, Commercial Bihar State Electricity Board, Bihar, Patna.
6. The Executive Engineer, M.R.I. Division, Gaya, District-Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary

For the Respondent/s : Mr. Vinay Kirti Singh

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

4 09-09-2015 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the Bihar State Electricity Board.

The petitioner has sought review of the order dated 10.10.2014 passed in C.W.J.C. No. 5877 of 2013. The writ application was filed for quashing the memo no.294 dated 17.12.2012 issued by the Secretary, Bihar State Power Holding Company Limited, Patna whereby the joining of the petitioner as Assistant Electrical Engineer was rejected on the ground that no weightage can be allowed for the past service which was found

unsatisfactory.

Before, I consider the review application, it will be desirable to notice the facts of the case. The petitioner was appointed as Assistant Engineer on 10.4.2007 on contract basis by erstwhile Bihar State Electricity Board. On 2.1.2011 while the petitioner was posted as Assistant Electrical Engineer, Electric Supply Division, Lakhisarai, a raid was conducted in the premises of one Dharam Singh, who was found using electric energy by using hook from the pole. Consequently, the petitioner issued a demand notice to Dharam Singh for payment of a sum of Rs.2,90,456. In pursuance of demand notice, Dharam Singh filed an objection. The petitioner after considering the objection, reduced the demand from Rs.2,90,456/- to Rs.48,791/-. Thereafter, the matter was reviewed by the Board and it was found that the petitioner reduced the provisional assessment demand arbitrarily ignoring the provisions as envisaged in Para No. 11.2.3(b)(c) of the Electric Supply Code, 2007 to the detriment of interest of Board.

The petitioner was asked to show cause. The petitioner filed his reply on 8.10.2012 stating that the case of the compounding of the offences against the alleged accused consumer was still pending in the Lakhisarai Court. In the meanwhile, pursuant to



general advertisement appearing in the Employment notice, the petitioner was recruited to the post of Assistant Electrical Engineer (Contract). He was offered appointment letter and thereafter he submitted his joining. However, his joining was not accepted on the ground that while making appointment his previous service was taken into account which was not found satisfactory. The order dated 17.12.2012 declining to accept the joining of the petitioner was challenged before this Court in C.W.J.C. No.5877 of 2013. As noticed earlier, the joining of the petitioner was declined on the ground that his past performance was not found satisfactory.

The issue whether the petitioner's service was unsatisfactory was not taken to its logical conclusion as no finding was recorded on the show cause filed by the petitioner. Furthermore, the petitioner on his own relinquished the said post for giving joining in view of fresh appointment as Assistant Electrical Engineer (contract) (General Cadre). This Court by order dated 10.10.2014 disposed of the writ application with an opportunity to the petitioner to challenge the joining before an appropriate authority.

A counter affidavit on behalf of the Opposite parties has been filed wherein in paragraph 4 it has been stated that the

appropriate authority would be the Chairman-cum-Managing Director of the Power Holding Company.

It appears that the petitioner has not yet approach the Appellate Authority namely the Chairman-cum-Managing Director of the Power Holding Company. As such, I do not find any concrete reason to interfere with the order under review and this Court only reiterates that the petitioner will be at liberty to approach the Chairman-cum-Managing Director of the Power Holding Company, who would dispose of his representation in accordance with law preferably within two months from the date of its filing.

This review application stands disposed of.

(Samarendra Pratap Singh, J)

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