

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 14158 of 2011

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Smt. Bigni Devi Wife of Late Bashishtha Narayan Mishra, Resident of Village- Amauna, P.O.- Rawatpar Amethia, P.S.- Lar, District- Deoria (U.P.), Correspondence Address C/O Sri Chhote Lal Shukla, Life Insurance Corporation, Branch Office- Sohnag Road, Salempur, P.S.- Salempur, District- Deoria (U.P.).

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, Patna, through its Chairman.
2. The Chairman, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna.
3. The Secretary, Bihar State Electricity Board, Vidut Bhawan, Bailey Road, Patna.
4. The Joint Secretary, General Administration, the Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna.
5. The Deputy Director of Personnel, Tirhut Electric Supply Area Board, Muzaffarpur.
6. The General Manager-cum-Chief Engineer, Tirhut Area Electricity Board, Muzaffarpur.
7. The Electrical Superintending Engineer, Electrical Circle, Chapra, District Saran at Chapra
8. The Electrical Executive Engineer, Electrical Supply Division, Chapra (West), P.S.- Chapra Town, District+ Town- Saran at Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nityanand Mishra, Advocate.

For the Respondent/s : Mr. Nikesh Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 04-09-2015

Heard learned counsel for the parties.

Learned counsel for the petitioner submits that as of now the only grievance which remains is deduction of Rs. 88,462/- from the gratuity and also re-fixation of his pension on a lower scale despite the LPC being of higher amount.

From the pleadings it appears that the contention of the respondent company is that the petitioner's husband had received increments in contravention of the Board circulars and

due to such excess amount received by him, deductions have been made and further as a consequence of such correct fixation of his pay, though notionally, automatically the pensionary benefits cannot be granted on the basis of the LPC but only on the basis of the lower reduced notional pay.

Be that as it may, as agreed between the parties, the writ petition stands disposed off with a direction to the respondents to pay the remaining admitted dues of gratuity within three weeks from the date of production of a copy of this order upon the respondent no. 6. It is clarified that the amount payable shall be Rs. 3,50,000/- minus Rs. 88,462/-. The said shall also carry statutory interest.

With regard to the objection of the petitioner relating to the deduction of Rs. 88,462/-, he is at liberty to file a representation before the respondent no. 6 within four weeks from today alongwith a copy of this order. If the same is filed, the authority shall look into the matter and pass appropriate orders within three weeks thereafter. If the authority finds substance in the contention of the petitioner, besides refund of the deducted amount, the consequential relief of his pensionary benefits being fixed on the actual LPC shall also be granted within the next three weeks.

(Ahsanuddin Amanullah, J.)

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