

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3056 of 2014

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Shiv Shankar Paswan No.2 S/O Late Ganbari Paswan R/O Village
Belmohan, P.O. Sudai Ratauli, Via Ghoghardiha, P.S. Phulparas, District
Madhubani

.... Petitioner

Versus

1. The Bihar State Electricity Board Now Known As Bihar State Power Holding Company Through Its Chairman-Cum-Managing Director, Vidhut Bhawan, Patna
2. The Director, Finance, Bihar State Power Holding Company, Vidhut Bhawan, Patna
3. The Executive Engineer, Electric Supply Division, Darbhanga (Rural)
4. The Assistant Engineer, Electric Supply Sub-Division, Sakri, District Darbhanga

.... Respondents

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Appearance :

For the Petitioner : Mr. Kameshwar Prasad Gupta

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 29-01-2015 Learned counsel for the petitioner is permitted to make correction in paragraph no.3 of the petition so far as date of retirement is concerned.

Heard learned counsel for the petitioner and Sri Anant Kumar Ojha, learned counsel who has appeared on behalf of respondents/ Bihar State Power Holding Company.

The petitioner, who retired on 31.8.2013 as Lineman from the office of Electric Supply Sub Division , Phulparas under the District of Madhubani has approached this court invoking its writ jurisdiction under Article 226 of the Constitution Of India

with a prayer to direct the respondents to pay all the retiral dues.

The claim has been explained in paragraph no. 1 of the petition, which is quoted hereinbelow:-

- (i) **Pension**
- (ii) **G.S.S. Leave Encashment**
- (iii) **G.P.F.**
- (iv) **Gratuity with revised pay scale as per six pay revision**
- (v) **Due salary of six days of the year 2007 with its 15% penal interest**
AND
- (vi) **Payment of overtime dues for the duty done by the petitioner from December 1995 to December 2010, which bill was already passed by the Respondents concerned and a sanction order has also been issued but the payment has not yet been made.**

Instead of asking Sri Ojha to obtain instruction and file counter affidavit, the court feels it appropriate to dispose of the writ petition with a direction to respondent no. 2 and 3 to examine the claims of petitioner and settle all the claims of petitioner within a period of two months from the date of receipt / production of a copy of this order. Even in case of refusal to any of the claims of the petitioner, the aforesaid respondents are required to pass a speaking order and communicate the same to the petitioner within two months from the date of receipt of a copy of this order.

It goes without saying that petitioner shall be entitled to

get statutory interest on delayed payment in accordance with law.

It is made clear that this order will be given effect only in case there is no departmental / criminal proceeding pending against the petitioner.

(Rakesh Kumar, J)

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