

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 18916 of 2008

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Rajesh Devi, W/o late Rishi Kumar at present R/o Village-Iglas, Police Station-Iglas, District-Aligarh (U.P.).

.... Petitioner

Versus

1. The Bihar State Electricity Board, Patna through its Chairman.
2. The Secretary, Bihar State Electricity Board, Patna.
3. The Joint Secretary, Bihar State Electricity Board, Patna.
4. The General Manager-cum-Chief Engineer, Magadh Supply Area, Gaya.
5. The Electrical Superintending Engineer, Electric Supply, Rohatas at Sasaram.
6. The Electrical Executive Engineer, Electric Supply Division, Kaimur at Bhabhua.

.... Respondents

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Appearance :

For the Petitioner : Mr.

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

5. 07.01.2015

Interlocutory Application No. 8214 of 2012

Heard learned counsel for the parties. Counter affidavit has been filed on behalf of the respondent.

Interlocutory Application has been filed for amendment in the prayer portion of the writ application seeking quashing of order contained in Memo No. 740 dated 14.07.2010 passed by the Director (Terminal Benefits), Bihar State Electricity Board, Patna by which Rs. 1,05,076/- has been deducted/adjusted from the amount of gratuity of the late husband of the petitioner.

Upon hearing the parties, the application stands allowed. The said Memo No. 740 dated 14.07.2010

shall be deemed to be challenged in the present writ application.

In the counter affidavit filed on behalf of the respondents, the stand taken is that though the payment of Rs. 1,05,076/- has been made in excess of his entitlement but in view of the decision of the Board contained in Office Order No. 3677 dated 13.12. 2013 to withdraw the order of recovery from its employees, the benefit would also be granted to the petitioner.

In view of the aforesaid, the application stands disposed off directing the respondent Bihar State Power Holding Company Limited (erstwhile Bihar State Electricity Board) to return the amount of Rs. 1,05,076/- to the petitioner latest by 28th February, 2015.

(Ahsanuddin Amanullah, J.)

Anand Kr.

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