

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2140 of 2015

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Birendra Prasad Rai son of Late Ram Bishun Rai, resident of Village
Pahaleza Sahapur Dera, P.O. Sonapur, P.s. Sonapur, District Saran.

.... Petitioner/s

Versus

- 1.The Chief Managing Director Bihar State Power Holding Company Ltd,
Vidhut Bhawan, Baily Road, Patna.
- 2.The Managing Director, North Bihar Power Distribution Company
Limited, Vidhut Bhawan, Baily Road, Patna.
- 3.The General Manager, North Bihar Power Distribution Company Limited,
Vidhut Bhawan, Baily Road, Patna.
- 4.The Financial Controller, North Bihar Power Distribution Company
Limited, Vidhut Bhawan, Baily Road, Patna.
- 5.The Deputy General Manager, Tirhut Area Electric Supply, Muzaffarpur.
- 6.The Electrical Superintending Engineer, Electric Supply, Circle, Chapra.
- 7.The Electrical Executive Engineer, Electric Supply Division, Chapra
(East).
- 8.The Assistant Electrical Engineer, Electric Supply Sub Division, Sonapur,
Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shyam Kishore Sinha, Adv

For the Respondent/s : Mr. Vinay Kirti Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 03-02-2015 Heard learned counsel for the parties.

The petitioner, who had retired from service on
31.10.2012, had certain grievance as with regard to non
payment of his retirement benefit. He came to this Court
in C.W.J.C No. 23669 of 2013 and this Court on hearing
the parties had held that upon payment of gratuity to the
petitioner the only dispute which was left in result was
payment of pension. In fact it was further recorded that



the amount of pension also had been sanctioned. On this, this Court had dismissed the writ application as having become infructuous. Recording this, this Court dismissed the aforesaid writ application as having become infructuous.

Now, the petitioner has come to this Court again by filing this writ application on 02.02.2015, claiming interest on the amount of G.P.F, G.S.S and gratuity. This Court fails to understand as to how these issues were not raised by the petitioner in the earlier writ application. When learned counsel for the petitioner at this stage comes out with a copy of the writ application being C.W.J.C No. 23669 of 2013 and its perusal would make it clear that the petitioner had made the following prayer:-

*“To make payment of full pension.
To make payment of Gratuity amount with interest.
To make payment of G.S.S. amount with statutory interest till date of payment.
To make payment of leave encashment amount.
To make payment of General Provident fund amount with statutory interest till date of payment.”*

Let it be noted that this writ application was disposed of on 24.11.2014, whereas all the payment to the petitioner either on the head of G.P.F, G.S.S and gratuity were also made prior to that date as has been clearly stated in the earlier writ application itself.

In that view of the matter, if the petitioner was not given relief in the earlier writ application, the present writ application would definitely be barred by the principle of res judicata and constructive res judicata.

Be that as it may, this Court is now not inclined to allow the petitioner to raise fresh issues inasmuch as his settlement of his entire retirement benefit is recorded in the inter parte order of this Court dated 24.11.2014 which has become final.

That being so, this writ application fails and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

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