

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13120 of 2014

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1. Chandra Prakash Singh son of Late Guljar Singh Resident of Jaitpur Ashram at AND P.O. Tajpur P.S. Mohamadabad, District Farrukhabad (U.P.).

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, Vidyut Bhawan Bailey Road, Patna.
2. The Secretary Bihar State Electricity Board Vidyut Bhawan Bailey Road, Patna.
3. The Joint Secretary B.S.E. Board (General Administration Department) Bailey Road Vidyut Bhawan Patna.
4. The Managing Director, B.S.E.B. Bailey Road Vidyut Bhawan Patna.
5. The General Manager Cum Chief Engineer B.T.P.S. Barauni District Begusarai.
6. The General Manager Cum Chief Engineer Transmission Division, Patna.
7. The Account Officer Transmission Circle, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Vinay Prasad Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 13-01-2015 Heard learned counsel for the petitioner and the respondents.

In this case, the petitioner is claiming the overtime of 1984 hours. Earlier he was posted at Barauni Thermal Power Station and later on he was shifted to Patna, Grid Sub-station, Khagaul, Patna and there he has worked over time during the aforesaid period.

The Bihar State Power Transmission Company has filed its counter affidavit where it has been stated that all the

payment of over time of 150 hours amounting to Rs.46,928/- has been paid to the petitioner, but the petitioner is not satisfied. It is submitted that as per the Circular of the Company no person can be given over time for more than 150 hours in a year.

The fact remains, if the Company has taken the work from an employee more than 150 hours, then certainly non-payment will be violative of Article 14 and 23 of the Constitution of India, as work without payment is a form of forced labour which is prohibited.

In that view of the matter, petitioner is directed to file a detailed representation to the respondent General Manager cum-Chief Engineer, Transmission Division who will call the log book and examine the statement of the petitioner and if it is found that the petitioner has really worked he cannot be denied the legitimate payment provided under the law. The Circular dehors to the constitutional provisions cannot be a basis for deprivation of his legal request and the authority cannot take work without making payment of proper remuneration. The whole exercise should be completed within three months from the date of filing of the representation.

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(Shivaji Pandey, J)