

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21079 of 2011

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Kamlesh Prasad S/O Late Yadunandan Prasad Resident Of Mohalla-Magadh
Colony, Road No.-1, P.S.-Magadh Medical, District-Gaya.

.... Petitioner/s

Versus

1. The Bihar State Electricity Board through The Secretary, Vidyut Bhawan, Bailey
Road, Patna.

2. The Joint Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey
Road, Patna.

3. The Financial Controller, Bihar State Electricity Board, Vidyut Bhawan, Bailey
Road, Patna.

4. The Director (Terminal Benefit), Bihar State Electricity Board, Vidyut Bhawan,
Bailey Road, Patna.

5. The General Manager-Cum-Chief Manager, Bihar State Electricity Board,
Transmission Zone (iii), Gaya, District-Gaya.

6. The Electrical Executive Engineer, Bihar State Electricity Board, Transmission
Zone (iii), Gaya, District-Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mangal Lok Prabha with
Mr. Ravindra Kumar Sinha, Advocates

For the Respondent/s : Mr. Vijay Kumar Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 20-08-2015

Learned counsel for the parties are present.

The present writ application has been filed seeking a direction to the respondents to pay the revised pension, leave encashment and other consequential benefits.

It appears that earlier when an amount of Rs. 1,08,498/- was recovered from the D.C.R. Gratuity on account of excess payment made to the petitioner due to wrong fixation of his salary, the petitioner had moved the Court in C.W.J.C. No. 14694 of 2010 which was disposed off by order dated 06.09.2010 with liberty to the petitioner to file representation before the authority. Pursuant to the same, the deducted amount has been refunded to the petitioner. However, his claim to revision of pension and other consequential benefits has been rejected.

It further appears that in view of the law laid down with regard to the recovery from the retired employees, the recovered amount was refunded to the petitioner. However, on the merits of the matter, since the petitioner has not been found entitled to salary which was drawn by him, his retiral benefits have been fixed.

That being the situation, the Court does not find any error in the stand of the respondents that revision of pension and other consequential benefits cannot be granted to the petitioner.

Accordingly, the application stands disposed off.

(Ahsanuddin Amanullah, J)

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