

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1157 of 2015

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Manoj Kumar Mishra son of Shri Ramashray Mishra, resident of Village - Sobhnath Patti, P.O.- Anandpur, P.S.-Ashok Paper Mill, District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Power and Energy, Govt.of Bihar, Patna.
2. Bihar Power Distribution Company Limited, Vidut Bhawan, Bailey Road, Patna through Chief Managing Director.
3. Chief Engineer (Commerce), North Bihar Power Distribution Company Limited, Vidut Bhawan, Bailey Road, Patna.
4. The Superintending Engineer, Electric Supply Division, North Bihar Power Distribution company Limited, Darbhanga.
5. The Assistant Electrical Engineer (S), North Bihar Power Distribution Company Limited, Darbhanga.
6. The Executive Engineer, North Bihar Power Distribution Company Limited, Darbhanga Division.

.... Respondents

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Appearance :

For the Petitioner : Mr. Manoj Kumar Manoj, Advocate

For the Respondents : Mr. SHARAD KUMAR SINHA, GP15

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-12-2015

Heard learned counsel for the petitioner and the learned counsel for the respondents.

2. As prayed, learned counsel for the petitioner is permitted to implead the Executive Engineer, North Bihar Power Distribution Company Limited, Darbhanga Division as respondent no. 6 in course of the day.

3. The present writ petition has been filed for quashing the Letter No. 1844 dated 01.12.2014 by which the rate of commission has been reduced; and further, to pay commission to

the petitioner at the agreed rate of 6% of the total monthly collection.

4. Learned counsel for the petitioner, however, filed a mentioning slip for taking up the matter out-of-turn, confining the prayer only for payment of the admitted dues by the respondents.

5. It is submitted that despite continuous working from 21.11.2014, no payment of commission has been made from the month of November, 2014 and the petitioner's several representations have also gone unheeded.

6. Learned counsel for the respondent on the other hand, opposes the writ petition, submitting that the payment of commission has merely been rationalized, which would not result in any loss of commission to the petitioner.

7. In any view of the matter, this writ petition is disposed of with consent of the petitioner, granting him liberty to approach the Executive Engineer, North Bihar Power Distribution Company Ltd., Darbhanga Division (Respondent No. 6) with a fresh representation for redressal of his grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of, ensuring payment to the extent found due to the petitioner, within a period of six weeks from the date of receiving the petitioner's representation. Any delay in payment of the admitted amount beyond the stipulated period as stated above, shall entitle the petitioner to receive payment together with simple interest at the rate of 9% per annum on the admitted dues calculated from the date when the amount became due till the date of its actual payment. In case the petitioner's claim is found

inadmissible, whether in whole or in part, the petitioner’s representation shall be disposed of by a speaking order in that regard.

(Vikash Jain, J)

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