

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1420 of 2013

Kaushaleya Devi W/o Late Ashok Kumar Shukla, Resident of Village- Sohanipatti,
P.O. Sohanpatti, P.S- Buxar, District- Buxar.

.... Petitioner

Versus

1. The Chairman, (Bihar State Electricity Board), B.S.E.B. Vidyut Bhawan, Patna.
2. The Secretary, B.S.E.B, Vidyut Bhawan, Patna.
3. The General Manager- cum- Chief Engineer, Central Electric Supply Area 6th
Serpentine Road, Patna.
4. The Superintending, Electric Circle, Bhojpur (Ara)
5. The Executive Engineer, Electric Supply Division, Buxar.
6. The Assistant Engineer, Electric Supply Sub Division, (Gramin), Bhojpur (Ara)

.... Respondents

Appearance :

For the Petitioner : Mr. Gopal Govind Mishra, Advocate
For the Respondents : Mr. Vinay Kirti Singh, Advocate
For the B.S.E.B. : Mr. Ranjit Sinha, Advocate

**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP
SINGH**

ORAL JUDGMENT

Date: 09-10-2015

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is an employee of the erstwhile Bihar
State Electricity Board and was working as unskilled Khalasi at
Electric Supply Division, Brahampur. The criminal case bearing
Brahmpur P.S. Case No. 95 of 1999 (arising out of G.R. No.
976/99/T.R. No. 326/07) under Sections 409 and 420 of the Indian
Penal Code was lodged on 12.08.1999. A departmental proceeding
was also initiated. The petitioner was put under suspension on
04.11.1999 to 18.11.1999 and again from 23.02.2000 to 29.09.2007.

The petitioner was exonerated in the departmental proceeding and he was also acquitted in the criminal case on 29.09.2007. Consequent to his acquittal, he filed representation before the respondents for reinstatement and payment of the entire salary for a period of 04.11.1999 to 18.11.1999 and 23.02.2000 to 29.09.2007. The writ application was disposed of on 19.09.2011 with a direction to the respondents to consider the petitioner's representation for payment of salary for the period in question.

The writ application is now for grant of interest.

Counsel for the Board submits that the petitioner was acquitted on account of lack of evidence. He further submits that in the earlier writ application, the petitioner did not make a prayer for interest and, as such, he is precluded from raising this prayer.

I have heard learned counsel for the parties, I find that the petitioner had earlier moved before this Court for payment of arrears of salary in C.W.J.C. No. 13704 of 2011. In the aforesaid cases, there is no plea for interest. The prayer of the petitioner for interest in subsequent writ petition is not maintainable. It is accordingly rejected. I find that in view of the direction of this Court dated 19.09.2011 payments were made in the year 2011. Had there been inordinate delay in making payment after direction of this Court dated 19.09.2011, the Court would have considered the issue of interest. I find that the petitioner has not made out any case for

payment of interest.

The writ application is dismissed.

(Samarendra Pratap Singh, J)

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