

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13071 of 2013

=====

1. Bholadhari Singh, Retired Junior Lineman Electric Supply Division Forbisganj
Son Of Late Rajan Dhari Singh Resident Of Village- Dharamganj (Bharatpura),
P.S. Palasi, District- Araria

.... Petitioner/s

Versus

1. The Bihar State Power Holding Company Limited Through Its Chairman-Cum-
Managing Director Vidyut Bhawan, Bailey Road, Patna
2. The Secretary, Bihar State Power Holding Company Limited, Vidyut Bhawan,
Bailey Road, Patna
3. The Deputy General Manager, (Retirement Benefit) Bihar State Power Holding
Company Limited, Vidyut Bhawan, Bailey Road, Patna
4. The General Manager-Cum-Chief Engineer, Koshi Area Supply At & P.O. &
Dist- Saharsa
5. The Electrical Superintending Engineer, Electric Supply Circle, Purnea
6. The Electrical Executive Engineer, Electric Supply Division, Forbisganj

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. R. K. Sinha,
Mr. Nitesh Kumar Nirala, Advocates.

For the Respondent/s : Mr. Ajay Kumar Gautam, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 20-10-2016

Heard the parties.

In the present writ petition only dispute is with regard to date of birth. Petitioner has entered in the service of Bihar State Electricity Board in the year 1968 as Khalashi and in the matriculation certificate age has been shown as 16.4.1952. If the age of matriculation will be taken into consideration then petitioner could not have been appointed as at that time he was minor. Petitioner was asked to appear before the Medical Board

in the year 1999 and the Medical Board has assessed the age of the petitioner as 52-54. The North Bihar Power Distribution Company assessed the age of the petitioner on average basis as 53 years as on 18.9.1999 and accordingly petitioner has been put to superannuation.

Learned counsel for the petitioner submits that if two ages have been given by the Medical Board then in that circumstances date of birth will be taken into consideration which is lower age not on average or upper age. He has further submitted that age has been assessed 52-54 accordingly age of 52 will be taken into consideration for the purposes of his superannuation and his argument is based upon the judgment of this Court in the case of Bihar State Electricity Board, reported in 2003 PLJR 65.

In view of the judgment of this Court benefit of lower age will be given to the employee. In such circumstances, petitioner is entitled to superannuate on the basis of 52, not 53. Taking the age 52 years petitioner should be given the consequential benefit i.e. monetary benefit and also as per counsel for the petitioner he has been superannuated in 2006 but retiral dues has been given to him in 2013/ GPF and GSS have been given after three years. As has been complained by the petitioner, he has not been given

the statutory interest for the aforesaid period on the aforesaid amount. North Bihar Power Distribution Company is obliged to pay the statutory interest for the delayed payment of GSS and GPF and if others have been given any interest over and above statutory amount/gratuity petitioner will also be given the same benefit accordingly North Bihar Power Distribution Company is directed to rectify and pay the salary for the period 2006 to 2007 including revised pensionary benefit within a period of six months from the date of receipt/production of a copy of this order.

With the aforesaid observation this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.11.2016
Transmission Date	NA