

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22154 of 2014

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1. Nita Sinha 57 years W/o Late Birendra Kumar Srivastava Dismissed Accounts Assistant, Elect. Supply Division, Chapra, West Division, At and D.O. Chapra, District - Chapra, Pin Code - 841301, President Address for Correspondence C/o Late Jawala Prasad Sinha, North Mandiri, Bapu Nagar, Patna - 800001.

.... Petitioner/s

Versus

1. The Chairman Cum Managing Director Bihar State Power Holding Company Vidhut Bhawan, Bailey Road, Patna.
2. The Director, Administrative Bihar State Power (Holding) Company Vidhut Bhawan, Bailey Road, Patna.
3. The Deputy General Manager (Revenue) North Bihar Power Distribution Company Limited, Vidhut Bhawan, Bailey Road, Patna.
4. The Deputy General Manager (H.R./Administration) North Bihar Power Distribution Company Limited, Vidhut Bhawan, Bailey Road, Patna.
5. The Executive Engineer, Electricity Supply Division, Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Sinha

For the Respondent/s : Mr. Vinay Kirti Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

6 06-05-2016

Heard.

The petitioner claims herself as widow of late Birendra Kumar Srivastava, Divisional Account Assistant in the Bihar State Power (Holding) Company (for short 'the Company') and prays for payment of relevant dues under the head(s) Gratuity, Group Insurance, Leave Encashment, GPF as well as Family pension.

A counter affidavit is filed on behalf of the respondents. No rejoinder thereto is filed.

Mr. Ojha, counsel for the Company, draws attention

of the Court to paragraph nos. 4 and 5 thereof to submit that the admissible dues under the heads GPF and GSS have already been paid to the petitioner through cheque dated 29.10.2015 and 26.10.2015. Remaining claim of the petitioner has been seriously disputed stating as under:-

“5. That late Birendra Kumar Srivastava was account Assistant cum Accountant when he was charged with embezzlement and financial irregularities. A FIR was lodged at Banyiapur P.S. on 07.12.95. He was placed under suspension on 09.12.95 and a departmental proceeding was initiated by framing charges on 03.12.1997 which ended in punishment of dismissal vide Office Order no. 3067 dated 27.05.2000. Appeal and Review application were also dismissed. A writ petition bearing C.W.N.C. No. 2143/2010 filed by the petitioner was also dismissed on 05.03.10 and LPA No. 665/2010 was also dismissed on 20.12.11. Against the LPA a SLP was filed which was also dismissed on 17.09.12. The Employee was died on 20.05.12.

6. That the Power Company took the decision that since pension, Gratuity and Leave Encashment are not payable to the dismissed employee hence the GPF and GSS amount alone is admissible and the same has been paid as stated above.”

If the employee was dismissed from service, I am afraid any such claim under the head(s) can be raised by the heir. The application is dismissed.

(Kishore Kumar Mandal, J)

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