

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6004 of 2014

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1. Purushottam Singh Son Of Late Chakradhar Prasad Singh At -
Rahmatpur, P.S. - Asarganj, District - Munger, Presently , At - Gandhi
Nagar, Madhubani, P.S. - K. Hat, District - Purnea

.... Petitioner/s

Versus

1. The State Of Bihar Through Its Chief Secretary, Bihar, Patna
2. The Principal Secretary, Department Of Energy, Government Of Bihar,
Patna
3. Bihar State Power Holding Corporation Limited, Vidyut Bhawan, Patna,
Through Its Chairman-Cum-Managing Director
4. The Managing Director , North Bihar Distribution Company Ltd., Patna
5. The General Manager (H.R/Administration), North Bihar Power
Distribution Company Ltd. Patna
6. Mithila Vidyut Supply Area, Darbhanga Through Its Senior Manager
(Personnel)
7. Deputy General Manager-Cum-Electrical Superintending Engineer,
Mithila Vidyut Supply Area, Darbhanga
8. Electrical Executive Engineer, Town Electric Supply Division,
Darbhanga
9. The Accountant General Bihar, Bir Chand Patel Path, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rana Ishwar Chandra
For the State : Ms Renu Jha, AC to SC 30
For the Board : Mr. Binod Kumar, Advocate

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

2 19-05-2016 Heard learned counsel for the petitioner and the State as
well as learned counsel appearing on behalf of North Bihar Power
Distribution Company Limited.

The petitioner joined in the service of the Bihar State
Electricity Board on 26.4.1973. He retired from the post of the
Accountant, Electricity Supply Division, Darbhanga (Urban) on

31.1.2013.

The petitioner submits that a sum of Rs.2,11,085/- has been deducted from the gratuity payable after his retirement. He submits that it was not open for the respondents to deduct the aforesaid amount from his gratuity.

Learned counsel for the Power Holding Corporation submits that by mistake the petitioner was paid excess amount of Rs.2,11,085/- which was subsequently sought to be adjusted from his gratuity amount. He further submits that the petitioner was given show cause on 24.6.2014 to which he had replied on 12.7.2014.

On going through the pleadings and the documents annexed with the writ petition, I do not find that the charge referred to in the show cause letter, dated 24.6.2014 was in fact annexed with the show cause. No annexure has been enclosed with the show cause notice. In my view, the petitioner should get a reasonable opportunity to explain that he had not been paid any excess amount while in service or even after retirement.

In this view of the matter, if the petitioner makes a representation before the General Manager, H.R. Administration, North Bihar Power Distribution Company Ltd., respondent No.5, for supply of calculation chart, the same would be made available

showing details of calculation within six weeks thereof. Thereafter, it would be open for the petitioner to demonstrate that no excess amount has been paid to him. In case, the reply of the petitioner is found satisfactory, the amount deducted would be refunded to him with permissible interest. It would further be open for the petitioner to make a representation before respondent No.5, with respect to other dues as well, which would be disposed of by a speaking order.

With the aforesaid observations and directions, this writ application stands disposed of.

(Samarendra Pratap Singh, J)

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