

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5854 of 2014

Hridya Nand Singh, Retired Electrician, Electric Supply Division Sasaram, Son of Late Devaki Nandan Singh, Resident of Village + P.O. Kirhi, P.S. Karakat, Dist - Rohtas

.... Petitioner

Versus

1. The Bihar State Power Holding Company Ltd. through its Chairman-Cum-Managing Director, Vidyut Bhawan, Bailey Road, Patna
2. The Managing Director, South Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna
3. The Deputy General Manager (Finance) South Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna
4. The Deputy General Manager (HRD) South Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna
5. The General Manager-cum-Chief Engineer, Magadh Electric Supply Area, Katari Road, Gaya
6. The Electrical Executive Engineer, Electric Supply Division, Sasaram

.... Respondents

Appearance :

For the Petitioner/s : Mr. Ramnandan Kr. Sinha, Advocate

Mr. Nilesh Kumar Nirala, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 19-05-2016

Heard learned counsel for the petitioner and the respondents.

The petitioner prays for quashing the impugned order under Memo No. 3716, dated 19.09.2012, of respondent no.5 by which a sum of Rs.2,09,301/- has been recovered after six years of retirement (31.01.2006).

A counter affidavit has been filed on behalf of South Bihar Power Distribution Company Limited. In para 3 and 4 of the

counter affidavit, it is stated that a sum of Rs. 2,09,201/-, which was deducted earlier, has been refunded, vide cheque no. 161335, dated 01.10.2015, and the excess pay recovered from the gratuity, as such has also been paid to the petitioner.

Learned counsel for the petitioner submits that as the Power Holding Company has erroneously deducted the said amount, the petitioner would be entitled to interest on it. He submits that in similar circumstances, the Power Holding Company has allowed interest to another employee of the Company before the Lok Adalat, High Court, Patna in C.W.J.C. No. 3976 of 2012.

I find that there could not be any reason for the Power Holding Company to take a different stand in case of the petitioner. A decision, in this regard, should be taken by respondent no.3 (Deputy General Manager (Finance) South Bihar Power Distribution Company Ltd.) within a period of three months from the date of receipt of a copy of this order.

The writ application stands disposed of.

(Samarendra Pratap Singh, J.)

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