

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12515 of 2014

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1. Laxman Prasad s/o Late Shiv Narayan Pandit resident of village - Rouza Khira Patti, P.O. - Chhapra, P.S. - Town, P.S., Chhapra, District - Saran, Bihar.

.... Petitioner/s

Versus

1. State of Bihar through the Principal Secretary, Department of Energy, Government of Bihar, Bailey Road, Patna.
2. Joint Secretary, (General Administrative Department), Bihar State Power (Holding) Corporation Ltd., Vidyut Bhawan, Bailey Road, Patna.
3. General Manager-cum-Chief Engineer, Tirhut Supply Division, Bihar State Power (Holding) Corporation Ltd., Muzaffarpur, Bihar.
4. Electrical Superintending Engineer, Electrical Supply Division, Bihar State Power (Holding) Corporation Ltd., Saran at Chapra, Bihar.
5. Electrical Executive Engineer, Electrical Supply Division, Bihar State Power (Holding) Corporation Ltd., Saran at Chapra, Bihar.
6. Assistant Electric Engineer, Electrical Supply Division, Bihar State Power (Holding) Corporation Ltd., Saran at Chapra, Bihar.
7. Secretary, Bihar State Electricity Board, Baiely Road, Patna, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan

For the Respondent/s : Mr. AC to SC 21

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 05-05-2016

The writ application has been filed by the petitioner way back on 22.7.2014. Petitioner wants a direction upon the respondent Power Holding Company to pay him gratuity since he retired way back on 31.12.2007.

Neither the Power Holding Company is represented nor have they filed a counter affidavit as to why they are not carrying out the obligation since more than nine years has passed since superannuation of the petitioner.

From the materials available in the writ application, it seems that certain criminals snatched money amounting to

Rs.37,076.85 paise in cash and two cheque amounting to Rs.32,642.70. The incident is supposed to be of 12.7.1996. As per the petitioner, nothing has emerged in the investigation so far as complicity of the petitioner or any of the employee is concerned, which is evident from Annexure-2. The respondent authorities also decided to proceed against the petitioner departmentally. Except for punishment of censure no other punishment came to be passed.

This is the situation after more than 20 years having gone past since institution of the case and nothing tangible has emerged with regard to complicity of the petitioner either in the criminal case or in the departmental proceeding so held against him.

If this be so, writ is disposed of with a direction upon the Joint Secretary, General Administration Department, Power Holding Company, respondent no.2, to take steps for settlement of the gratuity of the petitioner because prima facie, the Court does not find any legal impediment in the given facts. Such a decision must be taken within a period of three months from the date of production of a copy of this order.

(Ajay Kumar Tripathi, J)

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AFR/NAFR	NAFR
CAV DATE	
Uploading Date	6.5.2016
Transmission Date	