

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.25664 of 2013

=====

Hrishikesh Kumar Singh S/O Sri Yadunandan Prasad Singh Resident Of Village-
Gularia Bigha, Post Office + Police Station- Kari Parsurai, District- Nalanda.

.... Petitioner/s

Versus

1. The State Of Bihar, Through the Secretary, Energy Department, Government of Bihar, Patna.
2. The State Of Jharkhand, Through Its Secretary, Jharkhand State Energy Department, Ranchi
3. The Secretary, Jharkhand State Electricity Board Ranchi.
4. The Chairman Jharkhand State Electricity Board Ranchi.
5. The Accounts Officer Electricity Supply Circle, Motihari, Bihar.
6. The Accounts Officer Electricity Supply Division, Raksaul, Bihar
7. The Deputy Director Accounts Jharkhand State Electricity Board.
8. The Bihar State Power Holding Co. Ltd. through its Chairman-cum-Managing Director, Vidhyut Bhawan, Bailey Road, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Kumar Nikhil, adv.
: Mr. Neerad Parashar
For the Bihar State Electricity Board : Mr. Vijay Kumar Verma
For the Jharkhand State Electricity Board: Mr. Satyavrat Verma

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 19-04-2016

Heard learned counsel for the petitioner and learned
counsel for the Jharkhand Electricity Board and Bihar State Power
Holding Company Limited.

2. In the present case, prayer has been made for granting
salary, annual increment, gratuity, provident fund and further
claimed that junior to the petitioner have been promoted, but his case

was not considered.

3. The petitioner was appointed as Junior Engineer in the year 1999. After bifurcation of the State of Bihar, the Electricity Board was also bifurcated and it became two parts; namely, the Bihar State Electricity Board and the Jharkhand State Electricity Board. The petitioner remained in the Jharkhand Electricity Board on the principle of “as is where is” basis, but in final allocation, he was given the cadre of the Bihar State Electricity Board and accordingly, he joined the Bihar Electricity Board on 14.03.2012.

4. Grievance has been raised by the petitioner that the Bihar State Electricity Board has not paid the salary from November, 2012 though he has been discharging the duty. From the record it appears that at the time of filing of the writ application, he was posted at Ghodasahan (Motihari). The petitioner further claimed that his gratuity and provident fund amount has not been updated.

5. It appears from the pleading of the writ application that the petitioner was suspended vide letter no.473 dated 16.8.2013 and the same was revoked by letter No.509 dated 23.8.2013 and posted at Electricity Supply Department, Kashi Bazar, Noth Bihar Power Distribution Company. Be that as it may, if the petitioner is



discharging the duty, it is expected from the respondent-Power Holding Company as well as the Subsidiary Company to ensure the payment of the salary. As he again joined the Bihar State Holding Company, the Jharkhand State Electricity Board is directed to transfer the provident fund account along with the amount to the Bihar State Power Holding Company Limited, if not transferred, so that the provident fund account may be updated.

6. So far granting promotion to the post of Assistant Electrical Engineer is concerned, in paragraph No.9 of the writ petition it has been averred that those who were appointed in the year 2000 have been promoted, but the case of the petitioner has not been considered. As it appears that the persons have been promoted as Assistant Electrical Engineer vide letter No.1143 dated 30.12.2011 before rejoining of the petitioner as the petitioner rejoined the Bihar Holding Company on 14th March, 2013, so the question of consideration of the case of the petitioner for promotion could not have been subject matter for consideration.

7. As the juniors to the petitioner have been promoted to the post of Assistant Electrical Engineer the petitioner is directed to file a representation before the General Manager-cum-Chief Engineer,

North Bihar Power Supply Distribution Company, who will consider the case of the petitioner and take necessary decision within a period of 8 weeks from the date of filing of such representation. The petitioner may also file a representation even for payment of salary, if the same has not been paid.

8. With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

U			
---	--	--	--