

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.562 of 2015

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1. Rajnee Kant Sinha son of Late Chandra Shekhar Prasad L/2, 25 P.I.T. Colony, P.S. Ptrakarnagar, Kankarbagh, Patna

.... Petitioner/s

Versus

1. The Bihar State Power Holding Company Limited through its Chairman, Vidyut Bhawan, Bailey Road, Patna
2. The Managing Director, North Bihar Power Distribution Company, Bailey Road, Patna
3. The General Manager, North Bihar, Power Distribution Company Bailey Road, Patna
4. The Financial Controller, North Bihar Power Distribution Company, Vidyut Bhawan, Bailey Road, Patna
5. The Executive Engineer, Electric Supply Division, Sitamarhi
6. The Assistant Electrical Engineer, Sub - Divisional Office, Runnisaidpur, District - Sitamarhi
7. The Executive Engineer, Electric Supply Division, Araria
8. The Assistant Engineer, Electric Supply, Forbisganj, Araria
9. The Treasury Officer, Forbesganj, District - Araria
10. The Accountant General, Bihar, Patna
11. The Secretary, Energy Department, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Respondent/s : Mr. Gp21- Sanjay Pandey

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

8 05-05-2016 Heard the counsel for the petitioner and Ms. Namrata Mishra for the respondent- Bihar State Power Holding Company Limited (for short 'the Company').

Counter affidavit and a supplementary counter affidavit have been filed on behalf of the respondent- Company.

The petitioner having superannuated from the service of the Company as Accountant serving in the office of respondent

no.5 w.e.f. 30th of June, 2014 filed the application for payment of the post retiral dues set out in para-1.

In the counter affidavit at para 4, the respondents, have stated as under:-

4.That with respect to the grievances of petitioner it is stated that the following payments have been made:-

- (i) Pension-90% Provisional Pension has been sanctioned vide office order no. 761 dated 27.06.2014 in view of the pendency of departmental proceeding initiated on charges of embezzlement of rs. 83,816/-
 - (ii) Gratuity-Second show cause notice has been issued to the petitioner in the said departmental proceeding to which he has not replied yet. Payment of Gratuity has been kept pending till final orders are passed in the departmental proceeding.
 - (iii) G.S.S. amount of Rs. 1,16,011/- vide cheque no. 403686 dt. 04.03.2015.
 - (iv) Leave Encashment amount of Rs. 1,14,483/- vide cheque no. 403687 dt. 04.03.2015.
 - (v) G.P.F. amount of Rs. 3,35,774/- vide cheque no. 978953 dt., 04.08.2015.
 - (vi) Arrear from September 2012 to June 2013.
- (a) arrear payment of salary from September 2012 to May 2013, amount of Rs. 2,32,433/- has been paid by the Electrical Executive Engineer, Electric Supply Division, Sitamarhi vide cheque no. 113361 dt. 03.08.2015.
- (b) From June 2013 to June 2014, arrear of Rs. 6,33,583/-, has been paid by the Electrical Executive Engineer, Electric Supply Division, Araria vide Cheque no. 652751 dt. 03.08.2015.

In the supplementary counter affidavit, it is stated that apart from those dues the statutory interest on final withdrawal of the amount in the sum of Rs. 31,887/- has been paid to the petitioner vide cheque on 31.10.2015. Counsel for the petitioner, on going through the averments made in the two counter affidavit(s), states that the grievance now only pertains to non payment of the dues under the head 'Gratuity'.

Having heard the parties, the writ application stands disposed of granting the petitioner liberty to approach the respondent by filing representation for payment of the gratuity amount. If any such application/representation is filed, the respondent –General Manager (respondent no.3) shall examine the same and take appropriate decision thereon as quickly as possible preferably within two months of such filing.

(Kishore Kumar Mandal, J)

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