

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19052 of 2015

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Jugal Kishore Prasad Singh, Son of Late Jwala Prasad Singh, At present residing at 101, Kailash Apartment, Kankarbagh Road, Police Station Kankarbagh, District Patna.

.... Petitioner

Versus

1. The Bihar State Power Holding Company Limited Erstwhile Bihar State Electricity Board through its Chairman-cum-Managing Director Vidyut Bhawan, Beiley Road, Patna.
2. The Chairman-cum-Managing Director, Bihar State Power Holding Company Limited, Vidyut Bhawan, Bailey Road, Patna.
3. The General Manager (HR/Administration), South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra

For the Respondent/s : Mr. Vinay Kirti Singh

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 19-09-2016

Petitioner is a retiree of 2002. He has approached the Court second time over because his request for release of 10% pension, gratuity and leave encashment has been rejected by the General Manager, Human Resource Department of Power Holding Company vide order dated 30.07.2015.

2. From a reading of the impugned order contained in Annexure-6, it is evident that the petitioner along with many other employees became accused in a vigilance case, the Board, therefore, decided to withhold 10% pension and gratuity along with leave encashment.

3. The primary reason for the grievance of the petitioner

is that in the case of some of the other accused, after taking an undertaking, 100% provisional pension have been authorized in their favour whereas in the case of the petitioner discrimination is being practiced by the said respondents.

4. Stand of the counsel for the Power Holding Company is that the Bihar Pension Rule especially Rule 43 has undergone a change and Rule 43(c) has been added which empowers the respondents to withhold 10% pension and gratuity under similar circumstance.

5. Since that amendment is prospective and petitioner is a retiree of 2002 and keeping in mind that similarly situated persons have been given the benefit after obtaining an undertaking from such employees, the impugned order contained in Annexure-6 is quashed.

6. Writ is allowed.

7. Let the respondents settle the left over issue in favour of the petitioner preferably within a period of three months.

(Ajay Kumar Tripathi, J.)

S.Kumar/-

AFR/NAFR	NAFR
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