

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1655 of 2015

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1. Md. Tarique Mallick aged about 61 years, S/o Late Md. Fakhruddin,
R/o Mohalla- Millat Colony, Sector-3, P.S. Phulwari Sarif, District- Patna.

.... Petitioner/s

Versus

1. The South Bihar Power Distribution (Company) Limited through its
Managing director Electric Supply Area (Central) Patna.
2. The General Manager-cum-chief engineer, Central Electric supply Area-
8, Serpentine Road, Patna.
3. The Senior Manager (Finance and Account) South Bihar Power
Distribution (company) Limited, Patna.
4. The Electrical Superintending Engineer, Electric Supply Circle, Bihar
Sahrif (Nalanda).
5. The Electrical Executive Engineer, Electric Supply Division, Rajgir
(Nalanda)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Singh

For the Respondent/s : Mr. Vinay Kirti Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 06-05-2016

Heard both the parties.

A counter affidavit is filed on behalf of the
respondent-South Bihar Power Distribution (Company) Limited
(for short 'the Company'). Rejoinder thereto is also filed.

The writ petitioner served the Company as
Correspondence Clerk and superannuated therefrom on
30.09.2013. He prays for a direction upon the respondents to make
payment of his GPF, Gratuity, Group Insurance and leave
Encashment amount and also to fix the final pension. A prayer for

grant of benefit of 1st A.C.P., 2nd A.C.P. and 3rd A.C.P. has also been made. In my view, the prayer for grant of different A.C.Ps and payment of monetary benefits thereof would not constitute post retiral dues. Petitioner shall make a representation in this regard before the respondent for consideration and disposal in accordance with law.

In the counter affidavit, the respondents in diverse paragraphs have stated about the payment of amount under diverse head(s). Counsel for the petitioner, on going through the statements made therein has submitted that the petitioner was paid the GPF amount rather belatedly on 12.3.2015. Nowhere in the counter affidavit, the respondents have said about payment of the Gratuity amount. Counsel for the respondent-Company, on the other hand, submits that for payment of the Gratuity amount and the admissible interest on delayed payment of GPF shall be examined if a representation is filed by the petitioner setting out, in details, the aforesaid claim(s).

Having considered the submissions of the parties, the writ application is disposed of permitting the petitioner to file a representation before the General Manager-cum -Chief Engineer, Central Electric Supply Area (respondent no.2) as well as the Senior Manager (Finance and Account) (respondent no.3)

of the Company. If any such application is filed within three weeks, both the respondents, acting in tandem, will consider the grievance of the petitioner and take appropriate decision and/or pass appropriate orders for redressal of the grievance in accordance with law as quickly as possible preferably within six weeks of such filing /presentation.

(Kishore Kumar Mandal, J)

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