

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.854 of 2017
IN
Civil Writ Jurisdiction Case No. 16112 of 2011**

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Bijoy Kumar Sinha, Son of Late Satya Narayan Singh, Resident of Mohalla-Damuchak, P.S.- Kazimohammadpur, District- Muzaffarpur.

.... Petitioner- Appellant/s

Versus

1. The Chairman, Bihar State Electricity Board, Patna.
2. The Secretary, Bihar State Electricity Board, Patna.
3. The General Manager-cum-Chief Engineer, Tirhut Area Electricity Board, Bhagwanpur, Muzaffarpur.
4. The Electrical Superintending Engineer, Muzaffarpur Circle, Muzaffarpur.
5. The Electrical Executive Engineer Urban, Maripur, Muzaffarpur.
6. The Clerk Office of Electrical Executive Engineer Urban, Manipur, Muzaffarpur.

.... Respondents- Respondent/s

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Appearance :

For the Appellant/s : Mr. Bipin Kumar, Advocate

For the Respondent/s : Mr. Nikesh Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 26-07-2017

Re.: Interlocutory Application No.4742 of 2017

The delay in filing of this Appeal is condoned.

Interlocutory Application stands allowed and disposed of.

Re.: Letters Patent Appeal No.854 of 2017

Seeking exception to an order dated 14.01.2015 passed by the Writ Court in Civil Writ Jurisdiction Case No.16112 of 2011, this appeal has been filed by the appellant under Clause 10 of the Letters Patent.

Even though on 14.01.2015 after indicating certain facts



on merits, the writ petition was dismissed for want of prosecution, vide order passed on 03.03.2016 in MJC no.2155 of 2015, the learned Writ Court has considered each aspect in detail and found that the claim having been settled, the matter was disposed of.

Records indicate that when the case was contested before the Writ Court no claim for interest was made. Before us it is indicated that interest has been paid to various other employees, but the same is denied to the petitioner, whereas counsel appearing for the Company points out that within a period of six months, the claim having been settled, the petitioner is not entitled for interest.

In view of the aforesaid, we are not inclined to interfere in the matter. The petitioner may represent for claim of interest by pointing out discrimination and it would be for the competent authority to consider and take action in the matter.

With the aforesaid, the appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.07.2017
Transmission Date	

