

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1974 of 2009

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1. Er. Ram Narain Singh Son of Late Braj Narain Singh, resident of Shastrinagar, Road No. 2, P.S. Rawpur, Gaya, District – Gaya.
 2. Er. J.N. Singh, General Manager cum Chief Engineer, Bhagalpur (Retired) Son of Late Sivlok Singh, resident of Road No. 6, Rajeev Nagar, P.S. Digha, Patna – 800024.
 3. Er. Niranjana Prasad, Chief Engineer (Retired) Son of Late Ram Baran Sinha, resident of Mohalla – Ashoknagar, Road No. 1, P.S. Kankarbagh, Patna – 800020.
 4. Er. Raja Ram Singh, Electrical Superintending Engineer (Retired) Son of Late Bhual Singh, resident of Qr. No. CAB/D-5, Electricity Board Colony, Rajbanshi Nagar, P.S. - Shastrinagar, Patna – 800023.
 5. Er. Binod Kumar, Electrical Superintending Engineer (Retired) Son of Late Hari Narain Prasad at present resident of 403, Mansarovar Apartment, Akashvani Road, Khajpura, Bailey Road, Patna – 800014.
 6. Er. Jai Ram Prasad Gupta, Electrical Superintending Engineer (Retired) Son of Late Jageshwar Prasad Gupta, resident of 402, Garden House, Patliputra Residency, Anandpuri, P.S. – S.K.Puri, West Boring Canal Road, Patna – 1.
 7. Er. Nisat Anwar, Assistant Electrical Engineer (Retired) Son of Late Nur Mohammad, resident of Raeen Cottage, Purab Sarai, Shams Lane, P.S. Kotwali, Munger.

.... Petitioners

Versus

1. The Bihar State Electricity Board, a corporate body, constituted under the Electricity (Supply Act), 1948, having its registered office at Vidyut Bhawan, Bailey Road, Patna, through its Chairman.
2. The Jharkhand State Electricity Board, through its Chairman, Abhiyanta Bhawan, H.E.C., Dhurwa, Ranchi – 834004.
3. The Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, P.S. Kotwali, Patna – 800001.
4. The Secretary, Jharkhand State Electricity Board, Abhiyanta Bhawan, H.E.C., Dhurwa, Ranchi – 834004.
5. The Joint Secretary, Bihar State Electricity Board, Vidyut Bhawan, P.S. Kotwali, Patna – 800001.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh
Mr. Sanjay Kumar Sharan

For the Respondent/s : Mr. Anand K.Ojha, S.C.
Mr. Satyavrat Verma

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 21-03-2017

Heard Sri Prabhakar Singh, learned counsel assisted by



Sri Sanjay Kumar Sharan, learned counsel for petitioners and Sri Anand Kumar Ojha, learned Standing Counsel for the Bihar State Electricity Board (presently known as Bihar State Power Holding Co. Ltd.).

2. This is the second attempt on behalf of the petitioners whereby they have approached this Court invoking its writ jurisdiction under Article 226 of the Constitution of India almost for the same relief. This time, petitioners have prayed for quashing of an order contained in letter no. 82 dated 27-09-2006 passed by the Secretary, Bihar State Electricity Board (Annexure – 10 to the writ petition). The said order was passed pursuant to representation filed by petitioners, which was filed in view of observation given by a Bench of this Court on 07-03-2006 in C.W.J.C. No. 6983 of 2005. In sum & substance, petitioners have prayed that the Notification, which was issued by Bihar State Electricity Board for enhancing the age from 58 years to 60 years of the employees/officers of the Bihar State Electricity Board, may be made applicable with retrospective effect.

3. A plea has been taken that after creation of State of Jharkhand from State of Bihar, the Jharkhand State Electricity Board had come out with a decision in the year 2004 for enhancing the age of employees and officers from 58 years to 60 years, however; the Bihar State Electricity Board had not taken any decision in the year



2004, rather such decision was taken on 29-03-2005.

4. Earlier after the notification, the petitioners had approached this Court, with a prayer to make such notification applicable with retrospective effect, as in consonance with the decision taken by the Jharkhand State Electricity Board. The matter was heard by a Bench of this Court, however; this Court did not interfere with the decision, but disposed of the writ petition granting liberty to petitioners to file representation before the authority concerned for taking appropriate decision. It has been claimed that though this Court had directed to take decision on representation of the petitioners, the respondent/Bihar State Electricity Board, vide its order contained in letter no. 82 dated 27-09-2006, rejected the claim of the petitioners. It is a fact that all the aforesaid seven petitioners superannuated from the Bihar State Electricity Board prior to the date from which age of retirement was extended from 58 years to 60 years. The reason for non-issuance of such notification has been mentioned that during the said period, model code was prevailing, in view of Bihar State Assembly Election.

5. Besides hearing, I have also perused the materials available on record. In the order dated 07-03-2006 passed in C.W.J.C. No. 6983 of 2005 itself, this Court had categorically held that the impugned notification was neither arbitrary nor violative of Article 14



& 16 to the Constitution of India, rather in fortuitous circumstances, such decision could not be taken with retrospective effect. Once on the issue, which has been raised in the present petition, this Court had already declined to interfere, there is no reason to further examine the same issue. It is true that while disposing of the writ petition, this Court had granted liberty to file representation, but once this Court had already observed that the decision of the Board was not arbitrary nor violative of Article 14 & 16 to the Constitution of India, it was only a formality to examine the representation. Moreover, on going through the impugned order i.e. order contained in Annexure – 10 to the writ petition, the Court does not find any error warranting interference.

6. The writ petition stands dismissed.

(Rakesh Kumar, J.)

Anay

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24.03.2017
Transmission Date	N/A

