

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1375 of 2013
IN
Civil Writ Jurisdiction Case No. 4 of 2006**

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1. The Bihar State Electricity Board @ Bihar State Power (Holding) Company Ltd. through Its Chairman- Cum- Managing- Director, Vidyut Bhawan, Bailey Road, Patna- 1

2. The Secretary @ General Manager Bihar State Electricity Board @ Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna- 1

3. The Joint Secretary @ Deputy General Manager (Human Resources), Bihar State Electricity Board @ Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna- 1

.... Appellant/s

Versus

1. Association Of The Vehicles Drivers Through Its General Secretary, Shri Gupteshwar Singh S/O Late Baghaila Singh Resident Of Village- Gangapur, P.S- Haldi, P.O- Gangapur, District- Balia (U.P)

2. Ram Autar Pradhan S/O Late Komal Pradhan Resident Of Village- Sultanpur, P.S- Mohammadpur, P.O- Gaispur, District- Gazipur (U.P)

3. Ram Chandra Mishra S/O Late Mahendra Narain Mishra Resident Of Village- Jarawanpur (Gopalpur), P.S- Bidupu7r, P.O- Maniyarpur, Via- Desari, District- Vaishali.

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Vinay Kirti Singh, Sr. Advocate Mr Vijay Kumar Verma, Advocate Mr Akhileshwar Singh, Advocate
For the Respondent/s	:	Mr. Naresh Chandra Verma, Advocate Mr Natraj Verma, Advocate Mr Surendra Mishra, Advocate Mr Dineshwar Mishra, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 12-07-2017

Heard learned senior counsel representing the erstwhile

Bihar State Electricity Board and the counsel representing the

respondents.

This litigation has been going on for quite a while and



there has been one to many rounds of writ applications filed because despite clear and categorical declarations made by the High Court with regard to the kind of pay scale or replacement scale which the skilled drivers of the erstwhile Bihar State Electricity Board were entitled to, the appellants instead of fairly implementing the direction of the High Court, especially when the same was not challenged or interfered with by any superior forum, has tried to tweak around by giving a new categorization and pay scale therein to circumvent compliance of the order passed by the High Court earlier.

It is this dishonest conduct on the part of the Electricity Board and playing around a judicial order, which has unnecessarily led to the present bout of litigation when CWJC No.4 of 2006 was filed and allowed by the learned Single Judge vide order dated 13.03.2013, which is under challenge.

After having heard the parties, in the opinion of the Court, the learned Single Judge has rightly concluded as under:

“Having heard the parties, in my view, the writ petition must succeed. The fallacy in the argument of the Board lies specifically relying on Annexure-4, as noted above. The Annexure-5 in clear terms states that the categorization has not been reflected in Annexure-4. A reference to Annexures-5&8 would show that the driver even moved to skilled-B. If Annexures-5&8 are read together then the irresistible conclusion is that the drivers, who were in the pay-scale of Rs.310-490 which is the earlier order of this Court as well, would first migrate to Rs.490-844 in skilled-B and then as



per Annexure-8, revised pay-scale of Rs.725-1115 with effect from 01.04.1983 and not Rs.665-967, which is for skilled-C. Consequently, when further revision is ordered vide notification 102/EB dated 21.07.1990 vide Annexure-9. There is existing pay-scale of Rs.725-1115 and they would be in the revised pay-scale of Rs.1400-2450.

Thus, in my view, Annexure-12 is not in consonance with the earlier judgment. It is contrary to Board's own notification, as contained in Anenxures-5&8 and on misinterpretation thereof, Annexure-12 to the said extent is quashed."

The present appeal, therefore, lacks merits as no infirmity has been committed by the learned Single Judge, who has correctly traced the history of replacement scale which the skilled drivers were entitled to. Subsequent notification should have been issued by the appellants in conformity of judicial orders.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.07.2017
Transmission Date	NA

