

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11299 of 2016

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Shri Harendra Bihari Karan S/o late Shyamet Bihari Karan R/o Mohalla-
L.I.G. 1/5 Hanuman Nagar, Kankarbagh, Patna-20

... .. Petitioner/s

Versus

1. The Bihar State Power Holding Company Ltd. Vidyut Bhawan, Bailey Road, Patna through its Chief Managing Director.
2. The South Bihar State Power (Distribution) Company Ltd., South Bihar, Vidyut Bhawan, Bailey Road Patna through Manaing Director.
3. The Managing Director, The South Bihar State Power (Distribution) Company Ltd., South Bihar, Vidyut Bhawan, Bailey Road Patna
4. The General Manager, Human Resources & Administration Department, The South Bihar State Power (Distribution) Company Ltd., South Bihar, Vidyut Bhawan, Bailey Road Patna
5. The General Manager, Finance & Account, The South Bihar State Power (Distribution) Company Ltd., South Bihar, Vidyut Bhawan, Bailey Road Patna
6. The Deputy General Manager, Human Resources & Administration Department, The South Bihar State Power (Distribution) Company Ltd., South Bihar, Vidyut Bhawan, Bailey Road Patna
7. The Deputy General Manager -cum-Electrical Superintending Engineer , Electric Supply Area Central ,8 Serpentine Road, Patna.
8. The Sr, Manager (Finance & Accounts) Electric Supply Area Central , 8, Serpentine Road, Patna.
9. The Sr. Manager, (Personnel), Electric Supply Area Central , 8, Serpentine Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Ranjan
For the Respondent/s : Mr. Amit Pandey
Mr Nikesh Kumar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

3 16-11-2017 90% provisional pension has been sanctioned. However, gratuity and leave encashment has been withheld. The reason given is that there is a departmental proceeding, which has been initiated against the petitioner.

Counsel for the petitioner submits that the departmental proceeding has been contemplated and not initiated.



If the departmental proceeding has not been initiated then there may not be an occasion to hold back the post retiral dues of the petitioner. However, in absence of clear and categorical position emerging on the said status, a direction is given upon the General Manager, Finance and Accounts to verify the actual position with regard to the departmental inquiry and take needful action with regard to release of his gratuity.

So far as leave encashment is concerned, there is no reason why the leave encashment should be withheld a such in contemplation or initiation of a departmental proceeding.

Writ application is disposed off with a direction that the leave encashment aspect must be sanctioned and released in favour of the petitioner within a period of eight weeks from the date of production of a copy of this order. Gratuity aspect will be subject to outcome of the position of the departmental proceeding.

(Ajay Kumar Tripathi, J)

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