

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1572 of 2014
IN
Civil Writ Jurisdiction Case No. 6972 of 2007**

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Amrendra Prasad Mishra son of late Rajendra Prasad Mishra resident of Mohalla -
Khas Mahal, Police Station - Jakkanpur, District - Patna.

.... Appellant/s

Versus

1. The Bihar State Electricity Board through the Chairman, Vidyut Bhawan, Bailey Road, Patna.
2. The Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna.
3. The Director of Accounts, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna.
4. The General Manager-cum-Chief Engineer, Patna Electric Supply Unit, Mangles Road, Patna.
5. The Chief Engineer (Store & Purchase), Bihar State Electricity Board, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Uma Kant Shukla, Advocate Mr. Amrendra Kumar Sinha No.-1, Advocate Mr. Shailendra Kumar Singh, Advocate
For the Respondent/s	:	Mr. Dharmeshwar Mishra, Advocate Mr. Sanjay Kumar Srivastava, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 09-05-2017

Heard learned counsel for the appellant and counsel
appearing on behalf of the erstwhile Electricity Board.

Though the entire order, dated 14.02.2013, is under
challenge in the present intra-court appeal under letters patent, Mr.



Shukla, learned counsel for the appellant, taking a very fair stand, submits that he is limiting his argument to recovery, which is sought to be made in relation to grant of increment, to which he was entitled to after passing the Hindi Noting and Drafting Examination.

Admitted position is that the appellant had not passed the Hindi Noting and Drafting Examination during the period of service. But, now, he says that the Electricity Board has itself taken a decision that people who has put in 30 years of service or were matriculates, were not required to be given examination.

The period of which the benefit has been derived by the appellant is between 1997 till his superannuation, i.e. 2006. Keeping in mind the law as stands today and laid down by the Hon'ble Apex Court in the case of *State of Punjab and ors. Vrs. Rafiq Masih (White Washer) and ors., reported in [(2015) 4 SCC 334]*, the Court is of the opinion that it is a fit case where the principles laid down by the Hon'ble Apex Court squarely applies.

The appellant was a Store Keeper and a low paid employee. He was allowed to derive benefit for almost nine years and now after superannuation it is sought to be recovered, which will have a telling effect on his financial health, including that of his family.

In view of the law, which has developed now, the component of recovery limited to the extent of increment, granted for Hindi Noting and Drafting Examination, would not be recovered from



the appellant. However, other recoveries against loans, etc. are not issues, which are being pressed or agitated. Therefore, there will be no interference with those recoveries.

Appeal is allowed to the limited extent as above.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

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