

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11060 of 2016

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Prabir Kumar Sinha, aged about 65 years, Retired Accountant Board H.Q.,
Son of Late Purna Chandra Sinha, Resident of Bhawani Singh Marg, Purani
Gudri, Muzaffarpur

.... Petitioner/s

Versus

1. Bihar State Power Holding Company Ltd. through its Managing Director-cum-Chairman, Vidyut Bhawan, Bailey Road, Patna-800021.
2. The Company Secretary, Bihar State Power Holding Company Ltd., Vidyut Bhawan, Bailey Road, Patna-800021.
3. The Deputy General Manager (Termination Benefit), Bihar State Power Holding Company Ltd., Vidyut Bhawan, Bailey Road, Patna-800021.
4. The Deputy General Manager , Secretariat, Bihar State Power Holding Company Ltd., Vidyut Bhawan, Bailey Road, Patna-800021

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramnandan Kr. Sinha, Advocate
For the Respondent/s : Mr. Vinay Kirti Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 19-08-2017 Heard the parties.

The grievance of the petitioner is in three folds:

firstly, the notional increment granted to the petitioner in the light
of Circular No. 817 dated 02.06.1999 was illegally withdrawn by
the Board and secondly his pay scale was reduced even after his
superannuation. Thirdly, the Earned Leave of the petitioner has
also not been paid.

The learned counsel appearing for Electricity Board
submits that Circular No. 817 dated 02.06.1999 was subsequently
withdrawn by Standing Order No. 847 dated 30.09.2003 and the
aforesaid Standing Order No. 847 dated 30.09.2003 says that if



any notional increment sanctioned to any employee in accordance with Board's Standing Circular No. 817 dated 02.06.1999 may be withdrawn and amount, if any, paid in this connection be recovered. He further submits that the notional increment granted to petitioner for his suspension period was withdrawn and moreover, Rule 97 of Bihar Service Code prohibits to grant increment to employee during suspension period unless the period of suspension is treated as on duty for all purposes and the Bihar Service Code was adopted by the Board in the year 1976 itself and, therefore, in view of Rule 97 of the Bihar Service Code also the petitioner was not entitled for notional increment and in the light of aforesaid provisions the notional increment granted to the petitioner was taken away back and accordingly, his pay scale was reduced. He further submits so far as Earned Leave is concerned, the petitioner may represent to competent authority for redressal of his grievance and if it is found by the competent authority that petitioner is entitled for grant of Earned Leave, competent authority shall pass appropriate order.

In view of the aforesaid facts and circumstances, this writ petition stands disposed of giving liberty to petitioner to raise his grievance regarding non-payment of Earned Leave before respondent No. 3 within four weeks from today and if petitioner



does so the respondent No. 4 shall pass appropriate and reasoned order on the representation of the petitioner and furthermore, if any, dues of the petitioner is found genuine in that event, the respondent No. 3 shall issue the payment of aforesaid dues of the petitioner within three months from the date of filing of representation.

(Hemant Kumar Srivastava, J)

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