

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9055 of 2007

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Jai Krishna Rai, son of late Yadu Rai, resident of H/o Sri Madan Sah, Sahni Patti,
Patel Nagar West , Police Station – Shastrinagar, District Patna

.... Petitioner/s

Versus

1. The Bihar State Electricity Board through its Chairman Vidyut Bhawan Bailey Road Patna – 1 (Hereinafter referred to as Electricity Board)
2. The Chairman, Bihar State Electricity Board, Vidyut Bhawan, Patna – 1
3. The Secretary Bihar State Electricity Board, Vidyut Bhawan, Patna – 1
4. The Financial Controller, Bihar State Electricity Board, Vidyut Bhawan, Patna – 1
5. The Joint Secretary Bihar State Electricity Board, Vidyut Bhawan, Patna – 1
6. The Deputy Director of Personnel, Bihar State Electricity Board, Vidyut Bhawan, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Sri Ram Hriday Prasad, Advocate

For the Respondent/s : Mr. Vijay Kumar Verma

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 13-01-2017

Heard Sri Ram Hriday Prasad, learned counsel for the petitioner and Sri Vijay Kumar Verma, learned counsel, who has appeared on behalf of the respondent /Bihar State Electricity Board.

The petitioner, who superannuated with effect from 31st January 2004 has filed the present writ petition on 25.7.2007 with a prayer to quash Office Order No. 215 dated 19.1.2004 issued by the Deputy Director of Personnel , Bihar State Electricity Board by which his pay scale was reduced and the petitioner has further prayed for quashing of an order dated 31.1.2004 (Annexure – ‘2’ to the present writ petition) whereby decision to recover Rs. 85, 974.70/- was



taken. It has been argued that the deduction of pay scale as well as recovery order was passed without any notice to the petitioner and as such, the order impugned is liable to be set aside. Learned counsel for the petitioner in support of his submission has heavenly relied on a recent judgment of the Hon'ble Supreme Court reported in **2015 (1) PLJR SC 261 [State of Punjab and Ors. etc. vs. Rafiq Masih (White Washer) etc.]** and submits that petitioner being Class -III employee was not required to be saddled with the punishment of recovery. It has been argued that no notice was issued for recovery or even for reducing the pay scale and as such the order impugned is liable to be set aside whereas, learned counsel for the respondent /State submits that immediately after retirement the petitioner had approached this Court by filing a writ petition for claiming his retiral dues and the writ petition of the petitioner along with other writ petitions were disposed of in the light of the order passed in CWJC No. 7054 of 2003 and other analogous cases. It has been argued that once after retirement the petitioner had already approached this Court for the dues and the matter was adjudicated, at subsequent stage, the petitioner is not entitled to approach the writ court. He has drawn my attention to Annexure –'3' to the petition i.e. an order passed in CWJC No. 3767 of 2004 which was disposed of along with CWJC No. 2983 of 2004 and other connected writ petitions.



Keeping in view the fact that after retirement the petitioner had already approached this Court and the matter was adjudicated, the Court is of the opinion that at much belated stage the petitioner was not entitled to raise the same issue.

The petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18-01-2017
Transmission Date	NA

