

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20568 of 2016

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Bindu Lal Arya son of Late Nand Lal Arya, resident of Panchwati Colony, P.O.-
Guljarbagh, P.S.- Alamganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Energy, Government of Bihar, Patna.
2. The South Bihar Power Distribution Company Ltd., through the Chairman-cum-Managing Director, South Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
3. The Chairman-cum- Managing Director, South Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
4. The Managing Director, Bihar State Power Transmission Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
5. The General Manager, HRD/Adm., Bihar State Power Transmission Company Ltd. Vidyut Bhawan, Bailey Road, Patna.
6. The Dy. General Manager, HRD/Adm. Bihar State Power Transmission Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
7. The Deputy General Manager (Finance & Accounts), South Bihar Power Distribution Company Ltd. Vidyut Bhawan, Bailey Road , Patna.
8. The Enquiry Officer-cum-Superintending Engineer, Electric Transmission, Bihar State Power Transmission Company Ltd., Vidyut Bhawan, Bailey Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lal Babu Singh, Advocate
For the Respondent/s : Mr. Abbas Haider- S.C.-6
For the SBPDCL : Mr. Ritesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 07-03-2017

The petitioner is being prosecuted on criminal charges under Sections 420, 406, 409, 467, 468, 120B and 134 of the Indian Penal Code for causing financial loss to the employer company by alleged act of misconduct. He has also been proceeded against by the South Bihar Power Distribution Company Ltd. (for short 'the Company'). After holding enquiry into the charges, the enquiry officer found imputation of misconduct on the part of the petitioner to be proved



and submitted enquiry report to the disciplinary authority. Thereafter, a second show cause notice was issued to the petitioner and after considering the materials on record, the disciplinary authority awarded punishment of recovery of Rs. 42,83,693.48 with interest on account of defalcation from the petitioner. Further, order for deduction of 50 per cent of the pension has also been passed.

2. In the present writ application the grievance of the petitioner is that though no order for withholding of gratuity amount was passed by the Company, it has not paid the amount of gratuity to the petitioner.

3. In the opinion of the Court, the relief prayed for in the present writ application for direction to the respondents to pay the amount of gratuity of the petitioner cannot be allowed for the simple reason that pursuant to the imputation of penalty in the disciplinary proceeding the petitioner has to pay Rs.42,83,693.48 with interest to the employer Company. If the Company has retained the amount of gratuity in order to recover the aforesaid amount, no illegality can be found with its action.

4. In that view of the matter I find no merit in the present writ application.

5. It is dismissed accordingly.

6. However, it is made clear that this Court has not applied its mind on the merits of punishment order passed by the disciplinary



authority as the order passed by the disciplinary authority is not under challenge in the present writ application.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	8.3.2017
Transmission Date	

