

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9105 of 2014

=====

Ram Pravesh Singh son of Late Ram Lakhan Singh, resident of village - Kharuara,
P.O. -Chero, Police Station - Harnauth, District - Nalanda

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Energy Department, Government of Bihar, Patna
2. The Managing Director, North Bihar Power Holding Company, Patna
3. The General Manager-cum-Chief Engineer, Central Area Board, Patna
4. The Electrical Executive Engineer, Electric Supply Division, Biharsharif at Nalanda
5. The Assistant Electrical Engineer, Electric Supply Sub - Division (M.R.T.) Biharsharif No.1 at Nalanda

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Prafull Chandra Jha, Advocate
For the Respondent 2 to 5 : Mr. Ajay Kumar Gautam, Advocate
For the State : Mr. Nutan Sahay, A.C. to A.A.G.-2

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 27-03-2017

Vide gratuity payment order no.4116 dated 27.06.2008 an amount of Rs.1,73,347/- was recovered on account of excess pay drawn by the petitioner. Earlier, the petitioner had approached this Court vide C.W.J.C. No.4359 of 2007 for directing the respondents Bihar State Electricity Board to pay him the post retiral benefits under the heads general provident fund and gratuity along with



statutory and penal interest thereon and for all consequential reliefs.

2. After going through the arguments advanced on behalf of the parties this court vide order dated 07.04.2010 disposed of the aforesaid C.W.J.C. No.4359 of 2007 in the following manner:-

“A counter affidavit has been filed on behalf of the Electricity Board and in paragraph-6 thereof the details of payment of gratuity to the tune of Rs.1,14,654/- on 27.10.2008, the G.P.F. amount of Rs.3,73,651/- on 27.7.2007 and interest on G.P.F. amount of Rs.37,355/- has been spelt out which was paid to the petitioner on 26.8.2008.”

In that view of the matter, nothing survives in the writ petition. However, the petitioner, if he feels so aggrieved by the calculation of the amount(s) aforesaid, he may represent before the authority concerned and which may be considered and disposed of in accordance with law.”

3. Apparently, while the earlier writ application had been heard and disposed of on 07.04.2010, the petitioner was in know of the fact that Rs.1,73,347/- had been recovered from his gratuity amount on account of excess pay drawn by him. However, no grievance was raised by the petitioner at that stage in respect of the said recovery.

4. Having regard to the facts and circumstances of the



case, I am of the considered opinion that no relief can be granted to the petitioner in the present case on two grounds; firstly, because a point available to a party was not taken before the Court when the matter for payment of gratuity was being considered by this Court on earlier occasion and; secondly, because the petitioner has filed the present writ application on 14.05.2014 i.e. almost after six years of recovery made from the gratuity of the petitioner without assigning any reason of the inordinate delay caused in filing the writ application.

5. Accordingly, the writ application is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	28.03.2017
Transmission Date	

