

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17103 of 2015

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Md. Saiyad Saleh Hassan Son of late Alay Hassan resident of Mohalla
New Kazi (Quazi) Po , P.s Aurangabad District Aurangabad.

.... Petitioner

Versus

1. The Bihar State Power (Holding) Company Limited, Vidyut Bhawan,
Bailey Road, Patna,
2. The Chief Managing Director, Bihar State Power Holding Company
Limited, Vidyut Bhawan Bailey Road, Patna.
3. The Managing Director, South Bihar Power Distribution Company
Limtied, Vidyut Bhawan, Bailey Road, Patna
4. Director Finance Bihar State Power (Holding) Company Ltd. Vidyut
Bhawan Patna.
5. General Manager cum Chief Engineer Magadh Electric Supply Area
Gaya.
6. Electrical Superintending Engineer Gaya Electrical Circle Gaya.
7. Accounts officer, Gaya Electrical Circle ,Gaya.
8. Electrical Executive Engineer Electrical Supply Division Aurangabad.
9. Dy. Accounts Director Magadh Electrical Supply Area, Gaya.
10. Senior Manager (F & A) Magadh Electric Supply Area Gaya.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ram Hriday Prasad

For the Respondent/s : Mr. Vinay Kirti Singh

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

5 20-07-2017 The writ application is allowed. No deduction post
retirement from the petitioner's post retiral dues is permissible
keeping in mind the principles of law laid down by the Hon'ble
Apex Court in the case of *State of Punjab vs. Rafiq Masih*,
reported in **(2015) 4 SCC 334**.

From perusal of the counter affidavit it is evident
that the so called wrong fixation or over fixation for which a
chart has been annexed indicates that this is coming from the year
1980 and there has been nobody in the respondent's hierarchy to



point out that there was any infirmity in the pay-scale and the salary which the petitioner was drawing.

In view of the same, the deducted or withheld amount will be paid to the petitioner within a period of three months from the date of production of a copy of this order.

(Ajay Kumar Tripathi, J)

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