

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23519 of 2013

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Amir Chand Sah (since dead)

1. Lakshmi Devi wife of late Amir Chand Sah

2. Anil Kumar Son of late Amir Chand Sah

3. Rohit Kumar son of late Amir Chand Sah

All Residents of Village- Bakarpur (Ashopur), P.O. Khagaul, P.S. Danapur,
District- Patna.

4. Manju Devi D/o late Amir Chand Sah and Wife of Chandra Kant Prasad Sah
Resident of Village- Terha, P.S.- Usuapur, District- Saran.

5. Usha Devi D/o late Amir Chand Sah and Wife of late Uma Shankar Prasad
Resident of Mohalla- Chhota Telia, Gandhi Chowk, Ward No. 35, P.S. Town and
District- Saran.

6. Chanda Devi D/o late Amir Chand Sah and Wife of Jugal Prasad Resident of
Mohalla- Station Road, Ganga Sagar chowk, P.S. & District- Madhubani.

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna through
its Chairman

2. The General Manager - Cum - Chief Engineer, Transmission Zone, Bihar State
Electricity Board, Patna

3. The Deputy Personnel Director, Transmission Zone, Bihar State Electricity
Board, Patna

4. The Electric Superintending Engineer, Transmission Circle, Bihar State
Electricity Board, Patna

5. The Electric Executive Engineer, Transmission Board, Khagaul, Bihar State
Electricity Board, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Jha, Advocate

For the Respondents : Mr. Vinay Kirti Singh, Sr. Advocate with
Mr. Akhileshwar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 08-03-2018

Heard learned counsel for the petitioners and the Bihar State Power Transmission Company Limited (hereinafter referred to as the 'Company').

2. The original writ petitioner had moved the Court for the following reliefs:

“ (i) For directing the respondents to make payment of the full pension to the petitioner which is being paid presently at the rate of 90% of his pension provisionally.

(ii) For directing the respondents to make payment of gratuity amount which is lawfully payable to him.

(iii) For directing the respondents to make payment of the amount under Leave Encashment for the unutilized leave earned by his during his service period.

(iv) For any other relief or reliefs for which the petitioner may be found entitled to in the facts and circumstances of the case.”

3. During the pendency of the writ petition, the original writ petitioner died and has been substituted by his wife, two sons and three daughters.

4. The original writ petitioner was employee under the Company on the post of Driver. His son-in-law became traceless from



his house and the original writ petitioner was made an accused due to which he suffered incarceration and ultimately was also convicted. He was therefore suspended for various periods and a departmental proceeding was also initiated. However, by an interim order in the departmental proceeding 90% pension was directed to be given to him and with regard to consideration of payment for the period of suspension and the remaining dues, decision was deferred to be taken after the final order in the criminal appeal filed by the original writ petitioner. The said decision was taken on 21.06.1912.

5. Learned counsel for the petitioners submitted that the original writ petitioner having died in the year 2016, the criminal appeal filed by the original writ petitioner stood disposed off as abated. It was further submitted that as the Company itself had decided to take a final decision in the matter after disposal of the criminal appeal, now when the appeal itself has abated, they be directed to take such final decision. Learned counsel submitted that though technically and strictly speaking, the original writ petitioner may have been made an accused but the same clearly appears to be misplaced for the reason that the accusation is that he had done away with his son-in-law, which is highly improbable as the daughter of the petitioner was residing in her matrimonial home and no father would make his daughter a widow. Thus, he submitted that the authorities



may take an overall, compassionate and sympathetic view in the matter as now the employee is no more and has left behind his heirs including the widow who is old and poor.

6. Learned counsel for the Company readily agrees that since the appeal now stands disposed/abated, the authorities will take a final decision in the matter.

7. Having considered the aforesaid, the writ petition stands disposed off with a direction to the respondent no. 2 to take a final decision in the matter considering the overall condition of the widow and the family and also taking a compassionate view to the extent possible under law. The same be done within two months from the date of production of a copy of this order before the respondent no. 2.

(Ahsanuddin Amanullah, J)

Anjani/-

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