

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No 10268 of 2015**

=====

Arun Kumar, Ex-Junior Lineman (Contract) Electricity Supply Sub-Division  
Kochas, Son of Late Awadh Bihari Prasad, resident of village- Mallah Chakiya,  
Post Office- Buxar Central Jail, District- Buxar- 802102

.... .... Petitioner/s

Versus

1. The Chairman cum Managing Director, Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna
2. The Managing Director, South Bihar State Power (Distribution) Company Ltd., South Bihar, Vidyut Bhawan, Bailey Road, Patna
3. The Electrical Chief Engineer cum General Manager, Magadh Electricity Supply Area, Gaya, District- Gaya
4. The Electrical Superintending Engineer Electricity Supply Circle, Rohtas, District- Rohtas
5. The Electrical Executive Engineer, Electricity Supply Division, Sasaram, District- Rohtas
6. The Assistant Electrical Engineer, Electricity Supply Sub-Division, Kochas, District- Rohtas
7. The General Manager (HR/Administration), South Bihar Power Distribution Company Ltd, Patna, Vidyut Bhawan, Bailey Road, Patna

.... .... Respondent/s

=====

**Appearance :**

|                      |   |                                                                                                |
|----------------------|---|------------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr Mahesh Nr Parbat, Sr Advocate with<br>Mr Shailendra Kumar, Advocate                         |
| For the Respondent/s | : | Mr Vinay Kirti Singh, Sr Advocate with<br>M/s Akhileshwar Singh & Vijay Kr Verma,<br>Advocates |

=====

**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL JUDGMENT**

**Date: 16-05-2018**

Heard learned Senior Counsel for the petitioner and the  
respondent-Corporation.

2 Learned Senior Counsel for the petitioner, at the very  
outset, seeks permission and is allowed to implead General Manager  
(HR/Administration), South Bihar Power Distribution Company



Limited (for brevity, *the Company*) as respondent No 7 to the writ petition.

**3** The short issue raised by the learned Senior Counsel for the petitioner is that the action has been taken pursuant to allegations dated 14.02.2012, as contained in Memo No 111/Magadh – Allegation (STF) 2505/11 282.

**4** The petitioner is a co-accused along with Vijay Shankar Singh, Bhanu Pratap Singh and Sushil Kumar. The said three persons have been exonerated of the charges whereas, in the case of the petitioner, he has been inflicted with the punishment of dismissal under order dated 11.12.2013 which is impugned in the instant writ petition. He submits that the newly added respondent may be directed to reconsider the case of the petitioner since the same allegation has not been proved in respect of all the said others against whom charges were levelled under the same charge memo.

**5** In view of the limited nature of prayer, this Court would dispose of the writ petition.

**6** The newly added respondent No 7 may consider the petitioner's claim for parity with the other employees whose names have been recorded herein, upon a representation being made by the petitioner seeking parity with the said employees. In case such representation is filed, respondent No 7 will dispose of the same by a



considered and speaking order within a period of three months from today. The impugned order dated 05.03.2014 issued by the Deputy General Manager (Human Resources/Administration) of the Company and the order dated 14.03.2015 passed by the appellate authority shall not stand in the way of the newly added respondent in taking a decision on the claim made by the petitioner within the time frame specified.

7 The writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 16.05.2018 |
| Transmission Date | NA         |

