

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13828 of 2018

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Nirmal Kumar Karan, Son of Late Thakur Prasadm resident of Mohalla Kayastha Tola, Ward No. 28, Town- Saharsa, P.S. Sadar Town, District Saharsa.

.... Petitioner/s

Versus

1. The Bihar State Power Holding Pvt. Ltd. through the General Manager, Human Resource/ Administration Office situated at Bailey Road, Patna.
2. The General Manager (H/R), Human Resource/ Administration Bihar State Power Holding Pvt. Ltd. Patna.
3. North Bihar Power Distribution Company Ltd. through its Superintending Engineer of Electric Supply Circle at Saharsa.
4. North Bihar Power Distribution Company Ltd. Electric Supply Division through the Executive Engineer, Koshi Electric Supply Area at Saharsa, District Saharsa.
5. The Account Officer, Office of the Electric Supply Division, at Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Sinha

For the Respondent/s : Mr. Vinay Kirti Singh

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 26-10-2018

Heard learned counsel for the petitioner.

2. The petitioner has moved the Court for the following reliefs :-

“That this Petition is being filed for issuance of Writ of Mandamus commanding the Respondents to make payment of retrial benefit of the petitioner including Gratuity, Pension, Provident Fnd, Insurance money, Part of Leave Salary and A.C.P. together with 18 per cent interest for the abnormal delay caused by him.”

3. In view of the stand taken in the counter affidavit filed on behalf of the respondents, the Court finds that all retrial benefits, except for 10 per cent gratuity, have been paid. Copy of the same was served on learned counsel for the petitioner on 01.10.2018. On query



of the Court to learned counsel for the respondents as to why 10 per cent of gratuity has not been paid, there is no explanation.

4. Learned counsel for the petitioner submitted that with regard to pension, he is not aware whether it has been paid in the revised scale or not.

5. Having regard to the aforesaid, the Court finds that the post retrieval benefits of the petitioner having substantially been paid, except 10 per cent gratuity, the writ petition has served its purpose. Accordingly, the same stands disposed off.

6. However, with regard to remaining 10 per cent of gratuity, the petitioner may file representation before the respondent no.4. If the same is done within three weeks from today, the respondent no.4 shall ensure that remaining payment of gratuity is made to the petitioner within four weeks of filing of the representation. Further, the respondent no.4 shall ensure that the payment of pension being made to the petitioner is in the proper scale, including any revision to which he may be entitled, within the same period.

(Ahsanuddin Amanullah, J)

Sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.10.2018
Transmission Date	NA

