

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 285 of 2019

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Sanjay Kumar Singh, Son of Late Ram Bilas Prasad Singh, Resident of
Village - Khutadih, Police Station - Barhaiya, District - Lakhirsarai.

... .. Petitioner/s

Versus

1. The Bihar State Power (Holding) Company Limited through its Chairman -Cum- Managing Director, Vidyut Bhawan, Bailey Road, Patna.
2. The Chairman -Cum- Managing Director, Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna.
3. The General Manager -Cum- Chief Engineer, Kosi Area, Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna.
4. The Electrical Superintending Engineer, Bihar State Power Supply Company Limited, Power Supply Circle, Munger
5. The Electrical Executive Engineer, Bihar State Power Supply Company Limited, Power Supply Division, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Rajeeva Roy, Advocate
For the Respondent/s : Mr Kunal Tiwary, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 04-07-2019

Heard learned counsel for the petitioner as well as the respondent-Company.

2 The brief facts giving rise to the instant writ petition is that on account of demise of the petitioner's father, who was an employee of the Company, the petitioner was appointed as Unskilled Worker with other similarly situated persons. The appointment was in absence of any provision for compassionate appointment but with consent of the higher authorities of the



respondent-Company. Having regard to these peculiar facts and circumstances, the Apex Court, by its order dated 01.12.2011, has directed that the order cancelling the appointment of the petitioner by respondent-Company in the year, 1993 was set aside. The Apex Court, upon setting aside the order of cancelling the appointment of petitioner, has specifically directed that seniority of petitioner on Class III post shall be reckoned from the date of his actual appointment to the said post on 11.10.1988.

3 There is no direction in the order of the Apex Court regarding any dues being paid to the petitioner on account of setting aside the cancellation of the petitioner's appointment. Issue has, therefore, been settled by order of the Apex Court.

4 The instant writ petition has been filed claiming that for the period when the petitioner's selection had been cancelled by the Authority, i e, in between 07.07.1993 to 26.01.1995 and 21.04.2000 to 02.12.2001, the petitioner shall be paid his salary for both the said periods.

5 The petitioner has, admittedly, not worked in the Company for the aforementioned periods. The Apex Court has also not granted any direction except grant of seniority for the period from his actual date of appointment.



6 In the circumstances, this Court would observe that the petitioner cannot be permitted to raise such a claim now in the year, 2019 after the issue having attained finality in terms of the order of the Apex Court dated 01.12.2011.

7 Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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