

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1432 of 2005

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1. The Bihar State Electricity Board through its Secretary, Vidyut Bhawan, Bailey Road, Patna.
 2. Joint Secretary, (Sri Sapan Mukherjee), Bihar State Electricity Board, Patna-1.

... .. Appellant/s

Versus

1. Damodar Prasad Ambastha, retired Head Clerk, Barauni Thermal Power Station, Barauni, son of Late Bhagwat Sahay, resident of Barandi, PO-Barandi, PS-Rahui, District-Nalanda.
2. General Manager cum Chief Engineer, Barauni Thermal Power Station, district-Barauni.
3. Dy. Director of Personnel, Barauni Thermal Power Station, Barauni.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vinay Kirti Singh, Sr. Adv. Mr. Vijay Kr. Verma, Adv. Mr. Akhileshwar Singh, Adv.
For the Respondent/s	:	Mr. Ramanandan Kumar Sinha, Adv. Mr. Nilesh Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

5 21-02-2019 Today a supplementary affidavit has been filed on behalf of respondent-Damodar Prasad Ambastha stating therein that the appellant company in compliance to the Circular no.3677 dated 13.12.2013 has revised the order of reduction of pay and recovery from gratuity by issuing the Office Order No.390 dated 14.9.2017 revising the pay of the respondent without any deduction as per the last pay certificate on the date of retirement and last pay has been fixed at Rs.10,120/- as on



03.04.2000 and after retirement necessary payment has been made. It has been further been submitted that the recovered amount of gratuity has been paid vide Office Order no. 65 dated 16.02.2016 and, as such, the learned counsel for the parties Mr.Vijay Kumar Verma and Mr. R.K.Sinha submit that the present issue is no longer to be answered and this appeal itself rendered infructuous.

In such view of the matter, this appeal is dismissed as infructuous.

(Shivaji Pandey, J)

(Anil Kumar Upadhyay, J)

(S. Kumar, J)

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