

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3573 of 2012

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RAM EKBAL THAKUR S/O Late Sitaram Thakur Resident Of Village-Pan
Bigha, P.O. Banbhai, P.S. Karapi, Distt.-Arwal

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR and ORS
2. The Chairman, Bihar State Electricity Board, Patna
3. The Secretary, Bihar State Electricity Board, Patna
4. The Deputy Director, Accounts Secretariat, Bihar State Electricity Board, Patna
5. The General Manager-Cum-Chief Engineer, Central Electric Supply Area-8, Serpentine Road, Patna
6. The Deputy Personnel Director, Central Electric Supply Area, Patna
7. The Deputy Director Accounts, Central Bihar Regional Electricity Board, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shailedra Kumar Sinha Mr. Ramesh Pd. Singh Mr. Raj Kumar
For the State	:	Mr.Sunil Kr. Mandal SC 3
For B.S.E.B		Mr. Nilesh Kumar

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 04-11-2019 It is submitted by counsel for the respondent-company that in the successor-in-interest organization, appellate authority is now Chairman-cum- Managing Director of the company CMD has been impleaded in this proceedings by earlier designation as respondent no.2.

Dispute in the instant case hinges upon the date of birth claimed by the petitioner as 04.03.1947. Respondent-authorities having regard to certain documents and after a



proceeding have concluded that date of birth of the petitioner was 03.04.1942 and directed to superannuate him accordingly.

The order of the authorities impugned in the instant proceedings is dated 13.07.2012 issued by respondent no.5. The same is appealable before respondent no.2 (Chairman-cum-Managing Director) as per submission of counsel for the respondent-company.

Petitioner's counsel submits that the petitioner could avail remedy of appeal, provided the same was within time.

In view of the aforesaid position, since objection regarding availability of alternative remedy before appellate authority is raised by the respondents, this court would observe that if the petitioner chooses to avail the remedy within four weeks from today, respondent no.2 (Chairman-cum- Managing Director) shall proceed to consider the same upon its merits, without raising issue of delay and dispose it of by reasoned and speaking order expeditiously and preferably within a period of three months thereafter.

Writ petition is disposed of.

(Madhuresh Prasad, J)

s.hassan/-

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