

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5860 of 2017

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Md. Razi Ahmad Khan son of Late Md. Salim Khan, R/o Flat No. T-6, Tazzim Apartment, Al-Aziz Complex, Chitkohara, PO and PS- Gardanibagh, District-Patna.

... .. Petitioner/s

Versus

1. The Bihar Stte Power Holding Company Limited through its Chief Managing Director, Vidyut Bhawan, Bailey Road, Patna
2. The Secretary, Bihar State Power Holding Company Limited, Vidyut Bhawan, Bailey Road, Patna.
3. The Deputy General Manager HR and Administrative, Bihar State Power Holding Company Limited, Vidyut Bhawan, Bailey Road, Patna
4. The Chief Engineer (O and M), Electrical Maintenance, Bihar State Power Holding Company Limited, Vidyut Bhawan, Bailey Road, Patna
5. The Under Secretary, Bihar State Power Holding Company Limited, Vidyut Bhawan, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bajarangi Lal
For the Respondent/s	:	Mr.Vinay Kirti Singh
For the B.S.P.H.C.L.	:	Mr. Ranjit Sinha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 31-07-2019 The only issue under consideration in the present case is regarding non-payment of balance 10 % amount of pension and gratuity to the petitioner herein.

The learned counsel appearing for the respondent Company submits that the respondents are ready to pay the said amount subject to an undertaking to be furnished by the petitioner to the effect that in case the criminal appeal of the petitioner is rejected, the said amount would become



recoverable.

This Court finds that there is no law which prohibits payment of the aforesaid balance 10 % amount of pension and gratuity pending a criminal appeal. In fact the learned counsel appearing for the respondent-Company does not dispute the said position, as existing in law.

In such view of the matter, the respondents are directed to pay the balance 10 % amount of pension and gratuity within a period of eight weeks from today, failing which the C.M.D, Bihar State Power (Holding) Company Limited, shall not draw his salary.

The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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