

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16750 of 2019**

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Ganauri Paswan Son of Late Baldeo Paswan resident of Station Road, near  
Punjab National Bank, P.S. and P.O.- Barh, District- Patna.

... .. Petitioner/s

Versus

1. The Bihar State Power Holding Company Ltd. through its Chairman- M.D.
2. The Chairman-cum- M.D. Bihar State Power Holding Company Ltd., Patna.
3. The Deputy General Manager (Personnel), Bihar State Power Holding Company Ltd., Patna.
4. The Bihar State Power Transmission Company Ltd., Patna through its Managing Director.
5. The Managing Director, the Bihar State Power Transmission Company Ltd., Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Prashant Sinha, Advocate  
For the Respondent/s : Mr. Ranjit Sinha, Advocate

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL JUDGMENT**

**Date : 02-09-2019**

Heard the learned counsel for the parties.

2. The case of the petitioner that he has to be paid the additional allowances for the higher post which he has held cannot be denied to him as the same is covered by the decision of a learned Single Judge of this Court delivered on 03.02.2016 in C.W.J.C. No. 3687 of 2013, which proposition has been affirmed by the Division Bench of this Court in L.P.A. No. 1166 of 2016 dated 19.07.2017.

3. Learned counsel for the petitioner has also informed this Court and has brought on record a copy of the order passed by the Supreme Court whereby the S.L.P.



preferred by the State against the aforesaid judgment in L.P.A. has been rejected.

4. For these grounds, the order passed on 07.09.2018 under the signature of the Deputy General Manager (Personnel), Bihar State Power (Holding) Company Ltd., Patna not accepting and acceding to the claim of the petitioner for being paid officiating allowance as Accounts Officer (Look After) cannot be sustained in the eyes of law.

5. It is the litigation policy of the State of Bihar which enjoins the employer not to insist for exclusive orders in personam for redressal of grievances of the other employees.

6. Learned counsel for the Power Holding Company Ltd. has however submitted that in a cognate matter, the issue of law has been kept open by the Supreme Court.

7. In such view of the matter, the order impugned is set aside and remitted to the Deputy General Manager (Personnel), Bihar State Power Holding Company Ltd., Patna (respondent no. 3) to write out a fresh order in accordance with law and in view of the judgments referred to above within a period of four weeks of the production of a copy of this order. In case the claim of the petitioner is found to be tenable, necessary sequel order providing the



admissible amount shall also be passed. While passing the order, the Deputy General Manager (Personnel), Bihar State Power Holding Company Ltd., Patna shall also look at the fact whether the case of the petitioner is squarely covered by the judgments which have been brought on record.

8. With the aforesaid direction/observation, the writ petition is disposed of.

**(Ashutosh Kumar, J)**

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