

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13970 of 2014

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Dev Prasad Singh Son of Late Parsidh Singh, Resident of village and Post Office- Kochahasa, Police Station- Kinjar, District- Arwal

... .. Petitioner/s

Versus

1. Chief Managing Director, Bihar State Power Holding Co. Ltd. and Ors Vidyut Bhawan, Baily Road, Patna
2. Secretary, Bihar State Power Holding Company Ltd., Vidyut Bhawan, Baily Road, Patna
3. Financial Controller, Bidyut Bhawan, Baily Road, Patna
4. The General Manager-cum-Chief Engineer, Magadh Supply Area, Gaya
5. The Electric Superintending Engineer, Magadh Supply Area, Gaya
6. The Electrical Executive Engineer, Transmission Division, Jehanabad
7. The Deputy Director, Accounts in the office of Magadh Supply Area, Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mani Madhukar
For the Respondent/s : Mr.Nikesh Kumar

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-07-2019 Heard counsel for the petitioner and counsel for the respondents-company.

Petitioner has approached this court alleging that he has been made to work overtime as electrician in the office of electric supply Sub-division, Jehanabad prior to superannuation on 30.06.2012. Monetary benefit in respect of overtime has not been given to the petitioner.

The period during which he claims to have worked overtime in between January, 2006 to May, 2012.

Claim of the petitioner has to be considered by



respondent no.4.

Since petitioner's claim as per counsel for the petitioner has to be considered by respondent no.4, writ petition need not be kept pending.

Counsel for the petitioner submits that dues of the petitioner would exceed the limit of 50 hours overtime within three months prescribed in the respondent-organization. Petitioner has worked beyond the said limit. These are issue of fact which are determined by respondent no.4 with reference to record in respect of petitioner's claim.

Limit of 50 hours within three months cannot be made basis of depriving the petitioner dues if respondent-authorities have taken work beyond the said period. In this connection, petitioner's reliance on the case of Madan Mohan Singh vs. The Chairman, BSEB & ors proceeding arising out of CWJC No. 2827/2007 is worth of consideration.

In the aforesaid background and having regard to the decision of the case of Madan Mohan Singh (supra) petitioner's claim shall be considered by respondent no.4 (The General Manager-cum- Chief Engineer, Magadh Supply Area, Gaya). To facilitate consideration, petitioner's counsel submits that petitioner would make detailed representation before respondent



no.4 within four weeks. If the same is done decision should be
taken by respondent no.4 within three months thereafter.

Writ petition is disposed of.

(Madhuresh Prasad, J)

s.hassan/-

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