

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2116 of 2020

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Mahesh Rai S/o Late Fagu Rai, Resident of Village- Majhauri Tola-Per, P.O.-
Bidupur (R.S.), P.s.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

1. Bihar State Electricity Board through its Managing Director, North Bihar State Power Distribution Company Limited, Bidhut Bhawan, Baily Road, Patna-21
2. The Secretary, Bihar State Electricity Board, Baily Road, Patna
3. The Superintending Engineer, Hajipur Electric Supply Sub-Division, Hajipur, Dist Vaishali
4. The Executive Engineer, Electric Supply Sub-Division, Hajipur, Dist Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Sandesh Roy
For the Respondent/s : Mr. Vinay Kirti Singh, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 18-02-2021 The present writ petition has been filed seeking additional payment of retiral benefits for the period 30.09.2007 to 30.06.2009, as per the order of this Court dated 26.06.2013, passed in C.W.J.C. no. 12805 of 2007 as also to pay the outstanding gratuity amount and other retiral benefits to the petitioner on the basis of enhanced salary.

The learned Senior counsel for the respondent- Company Sri Vinay Kirti Singh has referred to paragraphs no. 8, 9 and 10 of the counter affidavit filed by the respondent-



Company, which are reproduced hereinbelow :-

“8. That in the present writ application, the petitioner is asking for payment of gratuity according to the basic pay of Rs. 17980/-, G.P.F. amount since 30.09.2007 to 30.06.2009 for twenty one month and had further prayed for payment of rest leave encashment for 120 days as per the date of retirement on 30.06.2009 and to pay the rest pension dues since 30.09.2007 to 30.06.2009 which has been treated as Salary as calculation was not correct and to further pay the accurate house rent and regarding arrear of salary.

9. That it is stated that since the petitioner was earlier allowed to retire since 30.09.2007 thus after disposal of the L.P.A. and Civil Review, there was change in the date of retirement of the petitioner as on 30.06.2009 and accordingly, the revised gratuity amounting to Rs. 48097/- was paid to the petitioner vide Cheque no. 144985 dated 04.04.2017; arrear of pension amounting to Rs. 45072/- was paid to the petitioner vide Cheque no. 144985 dated 04.04.2017 and the balance of leave encashment amounting to Rs. 19742/- vide Cheque no. 663355 dated 10.06.2020 during pendency of the writ application and further a sum of Rs. 38224/- was paid to the petitioner on account of arrear of house allowance and compensatory allowance for the above period vide Cheque no. 153184 dated 30.07.2020.

10. That with regard to the claim of the petitioner for payment of G.P.F. amount for the period 30.09.2007 to 30.06.2009 it is stated that since no deduction was made on



account of G.P.F. from the salary of the petitioner during such period as such the account officer Electric Supply Division, Hajipur vide his letter no. 444 dated 25.02.2020 had already informed the petitioner that he is not entitled for any G.P.F. amount for the abovesaid period. However, a sum of Rs. 14472/- has been paid to the petitioner on account of arrear of 7th Pay Revision in his account.”

The learned Senior counsel for the respondent-Company has thus submitted that in terms of the judgment passed in the case of the petitioner by a co-ordinate Bench of this Court dated 26.06.2013, in C.W.J.C. no. 12805 of 2007, as upheld by a judgment dated 14.07.2014, passed by the learned Division Bench of this Court in L.P.A. no. 01 of 2014, the entire additional amount of payment required to be made to the petitioner, has already stood paid. At this juncture, the learned Senior counsel for the respondent-Company has submitted that the petitioner is not entitled to any additional G.P.F. amount, inasmuch as no deduction was made from his salary under the head “G.P.F.” during the aforesaid period i.e. 30.09.2007 to 30.06.2009.

Having regard to the aforesaid submissions made by the respondent-Company, the present writ petition stands disposed off, however with liberty to the petitioner to approach



the competent authorities of the respondent-Company, in case of
any subsisting grievances.

(Mohit Kumar Shah, J)

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