

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8982 of 2020

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Chaudhary Roy Son of Late Kuldeep Roy, R/o Mohalla - New Alkapuri Road
no. - 6, P.S. Gardanibagh, District – Patna.

... .. Petitioner/s

Versus

1. The Department of Energy through the Principal Secretary Govt. of Bihar, Patna.
2. The Principal Secretary Department of Energy Govt. of Bihar Patna.
3. The Bihar State Hydro Electric Power Corporation Limited through its Managing Director, Patna.
4. The Managing Director Bihar Hydro Electric Power Corporation Limited Sone Bhawan, 2nd Floor, Birchand Patel Marg, Patna.
5. The Manager (Personnel and Administration) Bihar State Hydroelectric Power Corporation Ltd. Sone Bhawan, 2nd floor, Birchand Patel Marg, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate
For the Respondent/s : Mr. Abbas Haider, SC-6

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 22-11-2021

Heard learned counsels for the parties.

2. In the instant petition, petitioner has sought for following reliefs:

“(i) For issuance of an appropriate writ in the nature of “Mandamus” directing and commanding the Respondents authorities to pay the petitioner the arrear of 5th pay Commission since 1.02.1999 to 12.06.2001.

(ii) In the nature of “Mandamus” also to pay the petitioner the payment of arrear of Leave encashment, and also arrear of Dearness allowance with effect from July 2015 to 30.11.2018 and arrear of gratuity and payment of Medical Bills along with interest @ 18 % per annum as same has not been paid till date to the



petitioner despite petitioner retired on 30.11.2018.

(iii) In the nature of “Mandamus” to effect the aforesaid payments after granting the promotion to the petitioner in pay band of 9300/- to 34800/- with a grade pay of 4200/- with effect from the date the petitioner has completed 5 years of service that is with effect from 13.06.2006 since the ACP provided to the petitioner was withdrawn and recovered.

(iv) In the nature of “Mandamus” to pay the petitioner the entire arrear of payment arising out of aforesaid reliefs forth with along with statutory interest due thereupon in the facts and circumstances of this case.

(v) In the nature of “Mandamus” to effect the aforesaid payment after granting the ACP to the petitioner since 13.06.2016.”

3. Today counter affidavit is stated to have been filed on behalf of Respondent Nos. 3, 4 and 5 in which some of the grievances of the petitioner is stated to have been admitted.

4. There is no point in prolonging the matter in not extending the benefits which is due to the petitioner. Therefore, respondents are hereby directed to extend whatever admissible benefits as claimed by the petitioner within a period of eight weeks from the date of receipt of copy of this order. If the petitioner is not entitled to any of the demand made by him, in that regard, a necessary speaking order shall be passed and communicated to the petitioner so as to enable him to resort appropriate remedy.



5. With the aforesaid observation, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	25.11.2021
Transmission Date	

