

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7264 of 2021

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1. Ram Kumari Devi Wife of Late Raj Narayan Thakaur Resident of Village Pauri, Dakhram, P.s.- Bahera, District- Darbhanga.
 2. Prem Thakur Wife of Late Radhakant Thakur Resident of Village Pauri, Dakhram, P.s.- Bahera, District- Darbhanga.
 3. Tara Devi Wife of Late Hardeo Sah Resident of Village Siwan, P.O.- Dhanej, P.S.- Karagahar, District- Rohtas.

... .. Petitioner/s

Versus

1. The Bihar State Power Holding Company Limited Through its Chairman-cum- Managing Director, Vidhut Bhawan, Bailey Road, Patna.
2. The Managing Director North Bihar Power Distribution Company Limited, Vidhut Bhawan, Bailey Road, Patna.
3. The Managing Director South Bihar Power Distribution Company Limited, Vidhut Bhawan, Bailey Road, Patna.
4. The Managing Director Bihar State Power Generation Company Limited, Vidhut Bhawan, Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha
For the Power Distribution Company: Mr.Vinay Kirti Singh

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

Date : 09-02-2022

The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

Petitioners' counsel to serve copy of the petition to the State counsel.

In the instant petition, petitioners have prayed for the following reliefs:-

“(I) For issuance of an appropriate writ in the nature of



mandamus seeking direction to respondents to implement the judgment/order passed by Hon'ble High Court in C.W.J.C. No. 3968/1986 on 17.10.1996 and C.W.J.C. No. 4 of 2006 order passed on 13.03.2013 followed by C.W.J.C. No. 1102 of 2019 by his judgment/order dated 14.12.2019 with respect to petitioners whose husband were vehicle drivers and are similarly situated vehicle drivers but by Memo No. 960 dated 27.08.2018 and office order no. 59 dated 15.01.2021 judgment/order have been implemented upon 44 vehicle drivers and 20 (twenty) vehicle drivers only leaving petitioner's husband who are also entitled for grant of same benefit.

(ii) For issuance of appropriate writ in the nature of mandamus seeking direction to Respondents to grant the benefit of pay scale of Rs. 490-844 w.e.f. 1.4.1975 and Rs. 725-1115 with effect from 01.04.1983 and Rs. 1400-2450 w.e.f. 01.01.1986 respectively along with all consequential revised pay scale as such benefit has been provided to 44 similarly situated persons in view of order passed in C.W.J.C. No. 3698 of 1986, C.W.J.C. No. 4 of 2006, twenty persons in C.W.J.C. No. 1102 of 2019 but the petitioners have not been granted such benefit and thus discriminated from others persons who had granted such benefits.

(iii) For issuance of any other relief/reliefs as your Lordships may deem fit and proper for ends of justice.”

Aforesaid relief is not supported by demand before the competent authority. Therefore, question of issuance



of writ of mandamus is not warranted in the light of Apex Court's decision in the case of *Mani Subrat Jain V. State of Haryana & Ors.* reported in *A.I.R. 1977 SC 276*.

Accordingly, the present petition stands disposed of as not maintainable, reserving liberty to the petitioners to approach the concerned respondent in furnishing detailed representation. If such representation is submitted within a period of eight weeks, the concerned authority is hereby directed to examine service particulars of each of the deceased employee and proceed to pass speaking order within a period of three months from the date of receipt of the petitioners' representation to be submitted. If petitioners are entitled to any monetary benefits, the same shall extended to them along with interest @ 8 % per annum in the light of the Apex Court's decision in the case of *Vijay L. Mehrotra Vs. State of U.P. & Ors.* reported in *(2001) 9 Supreme Court Cases 687* (Para 2 to 4).

(P. B. Bajanthri, J)

kamlesh/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	16.02.2022
Transmission Date	NA

