

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10775 of 2018**

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Dukhit Ram, Son of Late Rampati Ram, Resident of Vill- Baidey Koti P.S.-  
Charpokhari, Dist.- Bhojpur, Ara.

... .. 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 Bihar State 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. Subhash Pd. Singh, GA-3      |
| For the Corporation  | : | Mr. Mritunjay Kumar, Advocate    |

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

**Date : 10-11-2022**

Heard Mr. Brij Bihari Tiwary, learned counsel for the petitioner and Mr. Mritunjay Kumar, learned counsel for the Bihar State Hydroelectric Power Corporation Ltd. (hereinafter referred to as 'the Corporation').

2. The present writ application has been filed seeking a direction upon the respondents for payment of leave encashment and group insurance along with interest to the petitioner, as the same has not been paid, even after four years of his superannuation.



3. Learned counsel for the petitioner submits that the petitioner was appointed as 'Store Keeper-cum-Clerk' in the service of the Corporation w.e.f. 22.08.1985 and after serving more than 28 years, he superannuated from the post of Assistant Manager (Personnel & Administration) on 31.01.2014. He further submits that despite having superannuated in the year 2014, the post retiral benefits has not been bestowed to him.

4. The petitioner having left with no option, but to approach this Court, filed the present writ application. However, during the pendency of the writ application, payment has been made under the head of Group Insurance and Leave encashment. He further contended that admittedly delay of four years have been caused in making payment of the Group insurance and Leave encashment, apart from the mental agony and expenses incurred in filing the present writ application. He further submitted that there is no laches on the part of the petitioner in getting the retiral dues, as mentioned in para-1 of the writ application, but on account of recalcitrant and indifferent approach of the respondent, the payment has been made after unexplained and unjustified delay.

5. In support of his submission, learned counsel for the petitioner relied upon the judgment of the Division Bench of this Court rendered in the case of the **Vice Chancellor, Tilka Manjhi**



**Bhagalpur University & Ors. Vs. Dr. Hari Shankar Prasad Singh & Anr.**, reported in **2015 (3) PLJR 191**. He further relied upon the judgment of a Co-ordinate Bench of this Court dated 17.10.2019, passed in the case of **Shiv Shankar Lal Vs. The State of Bihar & Ors.** (C.W.J.C. No. 18813 of 2017).

6. On the other hand, learned counsel appearing on behalf of the Corporation submitted that all the retiral dues of the petitioner have stood paid. He further submitted that so far as the gratuity is concerned, the same was already paid in the year 2014 itself. However, after making proper calculation, the amount under the head of leave encashment and group insurance have also been paid to the petitioner in the year 2018 itself.

7. Be that as it may, since only grievance of the petitioner is left with regard to the interest over the delayed payment, this Court finds it appropriate and proper that the present writ application is disposed of with liberty to the petitioner to approach the respondent no.4 by filing a fresh representation annexing the necessary judgments/orders in support of his claim within a period of four weeks from today.

8. It is needless to say that if such representation is filed by the petitioner, the respondent no.4 shall consider his grievance with regard to the interest over the delayed payment taking into



consideration the judgments/orders mentioned hereinabove and will pass a reasoned and speaking order preferably within a period of eight weeks thereafter.

9. It is made clear that if the petitioner is found entitled for any of the interest over the delayed payment, the actual payment would be made within the aforesaid period.

10. Accordingly, the writ application stands disposed of.

**(Harish Kumar, J)**

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