

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10716 of 2018

-
1. Prem Prakash and Ors s/o Late Babulal R/o Vill Company Bag Danapur Cantt., P.S. Danapur, Dist - Patna.
 2. Bharat Ram s/o Late Ganga Ram R/o Vill - Mahavir Nagar Road No. By Pass 70 Feet, P.S. - Beur, Dist - Patna.
 3. Baleshwar Prasad s/o Late Ramkishun Mahto R/o Vill Lari Kishunpur, P.S. Noorsarai, Dist - Nalanda.

... .. Petitioner/s

Versus

1. The Department Of Energy Through The Principal Secretary, Govt. Of Bihar and Ors
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 Corporation Limited Sone Bhawan, 2nd Floor, Birchand Pa
5. The Manager Personnel and Administration Bihar State Hydroelectric Power Corporation Ltd. Sone Bhaw

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary, Adv
For the Respondent/s : Mr. Kinkar Kumar- SC-9

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 17-11-2022 Heard Mr. Brij Bihari Tiwary, learned counsel appearing on behalf of the petitioners and Mr. Arun Kumar Lal, on behalf of the Bihar State Hydro Electric Power Corporation Ltd.

By filling the present application , the petitioners seek direction upon the respondents to ensure payment of leave encashment, gratuity and also payment of group insurance to the petitioner nos. 2 and 3 along with interest.



It is submitted that all the three petitioners were employees of Bihar State Hydro Electric Power Corporation and superannuated way back in the year 2017-18 respectively. He further submits that though the petitioners superannuated way back in the year 2017-18 but till date they have not been allowed the retiral benefits as stated in paragraph-1 of the writ application including the dearness allowance.

A counter affidavit has been filed on behalf of the respondent nos. 3,4, and 5. The learned counsel for the respondent by referring to the statements made in paragraph nos. 4, to 7. submits that the substantive amount under the different heads of retiral benefits have stood paid to the petitioners. He further submits that so far payment of group insurance with regard to the petitioner nos. 2 and 3 are concerned, the same has already been paid as per his instruction. He next contended that now the only grievance of the petitioners is with regard to arrears of dearness allowance, which is pending for approval and the same pending for approval before the competent authority.

Having considered the submissions made on behalf of the respondent corporation, this writ application is disposed of with a direction to the respondent no. 4 to consider the claim of



the petitioners for arrears of dearness allowance and pass reasoned and speaking order, preferably, within a period of eight weeks from the date of receipt/ production of copy of this order.

It is made clear that if the arrears of dearness allowance allowed to other similarly situated persons, the same shall be made available to the petitioner within the aforesaid period, failing which appropriate order would be passed against the erring officials. If any claim of the petitioners is denied, the reason must be assigned by the respondent no. 4.

Accordingly, the present writ application is disposed of with the aforesaid observations and directions.

(Harish Kumar, J)

N.K/-

U			
---	--	--	--

