

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8245 of 2020

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Diwakar Shukla S/o Late Balaji Shukla, Residing at present R/o Deep Nagar,
Road No. 5, Jhauganj, P.S.- Mehandiganj Dist. - 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. Shankar Kumar, AC to AAG-7
		Mr. Awanish Nandan Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 19-06-2023

Heard Mr. Brij Bihari Tiwary, learned counsel appearing on behalf of the petitioner and Mr. Shankar Kumar, learned AC to learned AAG-7 for the respondent(s).

2. Learned counsel appearing on behalf of the petitioner seeks to file hard copy of the affidavit dated 07.01.2021 which is not reported to have been filed during the pandemic period on High Court portal. The said fact has also been confirmed after verifying the records.



3. The hard copy of the affidavit dated 07.01.2021 and hard copy of the writ petition are directed to be kept on record.

4. Learned counsel appearing on behalf of the petitioner submitted that almost all the admissible dues payable to the petitioner has been paid to him, however, so far as the amount of gratuity is concerned, the petitioner has only been paid Rs. 10 lacs and he is entitled for payment of remaining Rs. 10 lacs on account of gratuity as per the scheme adopted by the Corporation. The petitioner had retired on 30.11.2019. It is further submitted that the scheme was introduced in the year 2018 and the corporation had adopted it admittedly in the year 2020, therefore, petitioner is entitled to remaining 10 lacs rupees on account of gratuity.

5. In above background, he seeks to file a representation before the Managing Director, Bihar State Hydro Electric Power Corporation Limited (respondent no. 3) with respect to the dues which have not been paid till date.

6. Considering the statement made in the present writ petition, counter affidavit, supplementary counter affidavit and rejoinder filed by the petitioner, it appears from paragraph nos. 7, 8, 9 and 10 of the rejoinder to supplementary counter affidavit filed on behalf of the respondent no. 3 to 5, almost all the retiral



dues of the petitioner have been paid. Now the petitioner is only aggrieved for non-payment of Rs. 10 lacs allegedly even after adoption of revised scheme of gratuity which was adopted by the Corporation in the year 2020. The petitioner, if so advised, may file a detail representation for redressal of his grievance before the Managing Director, Bihar State Hydro Electric Power Corporation Limited (respondent no. 3).

7. The Managing Director, Bihar State Hydro Electric Power Corporation Limited (respondent no. 3), is directed to dispose of the representation of the petitioner within a period of six weeks from the date of filing of the representation on behalf of the petitioner and pass a reasoned order in accordance with law.

8. If it is found that petitioner is entitled to any other relief, the same is required to be paid to the petitioner within a further period of three weeks along with the statutory interest on account of any delayed payment.

9. The Managing Director, Bihar State Hydro Electric Power Corporation Limited (respondent no. 3), must consider the admitted position that other employees have been paid Rs. 20 lacs on account of gratuity after the scheme of gratuity was adopted in the year 2020.



10. With above observation and direction, the present writ
petition is disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	22.06.2023
Transmission Date	N/A

