

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19857 of 2011

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Mahfujul Hussain S/O Late Sher Mohammad Resident Of Village Telush P.S.
Aagion Bazar District Bhojpur

... .. Petitioner/s

Versus

1. The Bihar State Electricity Board through its Chairman Vidyut Bhawan Bailey Road, Patna.
2. The Secretary, Bihar State Electricity Board, Vidyut Bhawan Bailey Road, Patna
3. Electrical Executive Engineer Electricity Department Transmission Division, Dehri-On-Sone, Rohtas
4. Assistant Executive Engineer Electricity Department Transmission Sub-Division Sone Nagar Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate
For the Respondent/s	:	Mr. Dharmeshwar Mishra, Advocate
		Mr. Indrajeet Bhushan, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 30-11-2023

Heard Mr. Ashok Kumar, learned counsel for the petitioner and Mr. Dharmeshwar Mishra, learned counsel appearing on behalf of the Bihar State Electricity Board.

2. The present writ petition has been filed for quashing the order contained in letter no. 161 dated 28.04.2011 (Annexure 6) by which the representation of the petitioner which was filed in compliance of order dated 05.01.2011 passed in CWJC No. 20798 of 2010 for grant of officiating allowance has been rejected by the Board.

3. Learned counsel for the petitioner submits that the



petitioner was appointed as an Electrician vide office order no. 10 dated 04.07.1978 and the petitioner was directed to do the work of Assistant Controller with Group A in functioning of Sonenagar Grid and further he was deputed as Assistant Controller for functioning of Sonenagar Grid w.e.f 01.07.1978 in addition to his own work of Electrician where he was still doing duty. The petitioner was doing dual duty of work of Assistant Controller in addition to his own work of Electrician but the respondent Board has not made payment of his officiating allowance for the dual duty, which is violation of rules and regulations of the Board. Then the petitioner had approached this Court vide CWJC No. 20798 of 2010 asking for payment of his officiating allowance for the dual duty which he had performed that of Assistant Controller in addition of his main work as Electrician from 01.07.1978. The said writ petition has been disposed of vide order dated 05.01.2011 directing the authority concerned to take into account the case of the petitioner and pass a speaking order.

4. In compliance of the order dated 05.01.2011 passed in CWJC No. 20798 of 2010, the petitioner again filed a representation before the authority concerned and the respondent authority rejected the claim of the petitioner vide



order contained in letter no. 161 dated 28.04.2011.

5. Learned counsel for the petitioner further submits that the authority concerned without considering the facts that the petitioner was working dual duty on the post of Assistant Controller in addition to his post of Electrician in Transmission Sub Division Sonenagar by order of the Board for which he was legally entitled for the officiating allowance payment for doing extra work on the post of Assistant Controller but the authority concerned without considering the same has rejected the claim of the petitioner.

6. Vide order dated 26.11.2018 passed in present proceeding, the petitioner has brought on record by way of supplementary affidavit a certificate of the Assistant Electrical Engineer which clearly suggest that the work of the Assistant Controller was taken from the petitioner from 01.07.1978 and that from 01.03.1980 he was directed to work as Assistant Controller apart from his main work as head electrician.

7. Pursuant to the aforesaid order, the respondent Board has filed a supplementary counter affidavit stating therein that the office order no. 2 dated 29.02.1980 on which the petitioner is trying to make out his case and also trying to mislead this Hon'ble Court which was passed pursuant to earlier office order



no. 10 dated 04.07.1978 wherein it has been clearly mentioned that the petitioner is directed to do the operational work with Assistant Controller in Sonenagar Grid and he was being deputed to operation of Grid from 01.07.1978 and the petitioner was authorized to work with Assistant Controller and not to work as Assistant Controller. In view of the aforesaid, the petitioner is not entitled for any officiating allowance as claimed by the petitioner and the petitioner has again tried to mislead this Hon'ble Court. He has brought on record office order no. 2 dated 29.02.1980 said to have been issued by the Assistant Electrical Engineer but the office order no. 2 dated 29.02.1980 is a forged, fabricated and collusive letter and it was not available in the office records and from perusal of duty chart for the month of January 1983 to April 1983 and also of January 1985 it is clear that the petitioner is not working as Assistant Controller.

8. During the period in question i.e. from January 1980 to March 1981, Sri R. Prasad, Sri C.D. Singh, Sri K.K Sinha and Sri B.K Sinha were posted and working as Assistant Controller in Grid sub-station Sonenagar and apart from the aforesaid the nature of job of the petitioner is quite different than that of Assistant Controller and the certificates issued by the Assistant



Controller (Annexure 2) to the writ petition is also forged and collusive document and not issued by the competitive authority. The Assistant Controller is not competitive to issue such certificate which was produced by the petitioner in support of his claim.

9. In view of the aforesaid, it transpires that the petitioner was only attached with the other officials to do the operational work with Assistant Controller in Sonenagar Grid and he was being deputed to operation of grid from 01.07.1978 and he was authorized to work with the Assistant Controller and not to work as Assistant Controller.

10. In view of the aforesaid, the petitioner is not entitled for grant of officiating allowance because he was never deputed for the dual duties of Assistant Controller in addition to his own work of Electrician.

11. Accordingly, this writ petition stands dismissed.

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	19.12.2023
Transmission Date	N/A

