

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.570 of 2023

Kabindra Nath Pandey Son of Late Ramprasad Pandey, Resident of Flat No. 403, Ramaskhi, Khaderan Complex, LCT Ghat, Mahavir Vatsalya, Patliputra, District- Patna, Bihar- 800013.

... .. Petitioner

Versus

1. The Chairman-Cum-Managing Director, Bihar State Power Holding Co. Ltd. 5th Floor, Vidyut Bhawan Bailey Road, Patna.
2. The Managing Director (Human Resources and Administration) Bihar State Power Holding Co. Ltd. Vidyut Bhawan Bailey Road, Patna.
3. The Managing Director (Human Resource of Administration), Bihar State Power Generating Co. Ltd., Vidyut Bhawan Bailey Road, Patna.
4. The Sr. Manager (Finance of Accounts) BTPS Cell Begusarai Now transformed in Bihar State Power Generation Co. Ltd., Vidyut Bhawan Bailey Road, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Chandra Bhushan Upadhyay, Advocate
For the Respondent/s : Mr.Ajay Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-03-2023 Heard learned counsel for the petitioner and learned counsel for the Bihar State Power Holding Company Limited.

Petitioner, in the present case, is seeking a direction to the respondents to pay overtime salary/ allowances for the period August 2013 to December, 2018 and January, 2019 together with compound interest at the rate of 9% per annum.

It is the case of the petitioner that he was appointed as an Assistant Operator (Operation) Group “D” Grade-III in the year 1984. He has joined at Barauni Thermal Power Station, Begusarai which happened to be a generating unit of the erstwhile Bihar State Electricity Board.



It is the case of the petitioner that the petitioner was directed to perform overtime work by the Senior Electric Engineer Line Generation (Transmission) during the aforesaid period for which he is entitled for overtime remuneration of 9 days in the 2013 (72 hours), 14 days in the year 2014 (112 hours), 13 days in the year 2015 (104 hours), 16 days in the year 2016 (128 hours), 19 days in the year 2017 (152 hours) and one day in the year 2019 (8 hours). According to him, he has worked on national as well as State holidays in order to maintain electric supply on the assurance of the respondents to make payment of overtime work.

On perusal of the writ application, it appears that the petitioner has retired on 31.01.2021. Prior to his retirement from service, he has not claimed the overtime remuneration. There is no such statements in the writ application. For the first time, he claims to have made a representation on 25.07.2022 vide Annexure '4' to the writ application.

Learned counsel for the respondents has opposed this writ application as according to him, such issues of payment of wages/ overtime wages cannot be gone into in exercise of power under Article 226 of the Constitution of India. It is further submitted that the petitioner fell in the category of a workman



and if at all he had any ground to claim overtime wages, he could have made an appropriate application before the competent authority under the special statute such as Payment of Wages Act etc. but the petitioner never did it and at this stage, he has moved this Court.

Having heard learned counsel for the petitioner and learned counsel for the respondents company, this Court finds substance in the submission of learned counsel for the respondents company. The averments made in the writ application make it crystal clear that during long span of about 7-8 years when the petitioner claims to have rendered overtime work, he never approached the competent authority for overtime wages. On the record of the writ application, there is no material even suggesting that he has worked overtime.

In the given circumstance, it would not be proper for this Court to entertain this writ application in exercise of its extraordinary writ jurisdiction.

This writ application is dismissed.

(Rajeev Ranjan Prasad, J.)

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