

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.256 of 2024

In

Civil Writ Jurisdiction Case No.13903 of 2015

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Rajaram Prasad Son of Late Banaras Mahto Resident of Village- Nawadah,
P.o.- Nawadah, P.s- Barauli, District Gopalganj.

... .. Petitioner/s

Versus

1. Bihar State Power Holding Company Ltd. Erstwhile Bihar State Electricity Board, through its Chairman-Cum-Managing Director, Vidyut Bhawan, Baily Road, Patna.
2. Sanjeev Hans, The Chairman cum Managing Director, Bihar State Power Holding Company Ltd, Vidyut Bhawan, Bailey Road, Patna.
3. The Secreary, The Secretary, Bihar State Power Holding Company Ltd, Vidyut Bhawan, Bailey Road, Patna at Present Anirudh Kumar, General Manager (HR and Adm), North Bihar Power Distribution Com Ltd, Vidyut Bhawan, Baily Road, Patna.
4. The Joint Secretary, Bihar State Power Holding Company Ltd, Vidyut Bhawan, Bailey Road, Patna.
5. The officer on Special Duty (O.S.D.) (HR and Adm), North Bihar Power Distribution Com ltd, Vidyut Bhawa, Baily Road, Patna.
6. The Chief Engineer (Planning, Tech-Audit and Safety) -cum- Enquiry Officer, Bihar State Power (Holding) Co. Ltd., Vidyut Bhawan, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Prasad, Advocate Mr. Binod Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Vinay Kirti Singh, Sr. Advocate Mr. Akhileshwar Singh, Advocate Mr. Venkatesh Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL ORDER

4 05-07-2024 Learned counsel for the respondents submitted that with reference to supplementary show cause along with the document Annexure-C to F filed on behalf of opposite parties it is stated that certain dues have been settled, however, it is learnt that gratuity amount and leave encashment is stated to have



been withheld on account of pendency of criminal appeal. On the other hand, in Rule 43(b) of Bihar Pension Rules, 1950 there is no provision for withholding of gratuity and leave encashment in the event of pendency of any criminal proceeding as on the date of petitioner's retirement from service. Respondents are hereby directed to release gratuity amount as well as leave encashment within a period of one month from today.

2. Accordingly, the proceeding of the present contempt petition stands dropped reserving liberty to the petitioner to file interlocutory application for revival of this order in the event of non-disbursal of gratuity and leave encashment.

(P. B. Bajanthri, J)

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