

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3447 of 2020

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Krishna Kumar Jain Son of late Sarat Kumar Jain, Resident of Mahajan Toli
No. 2, Post Office- Ara, Via- Mithai, Police Station- Ara Town, District-
Bhojpur, Pin Code- 802308

... .. Petitioner/s

Versus

1. The Bihar State Power (Holding) Company Limited Vidyut Bhawan, Bailey Road, Patna through its Chairman-Cum-Managing Director.
2. The Chairman-Cum-Managing Director, Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna.
3. The General Manager, Human Resources/Administration, Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna.
4. The Deputy General Manager, Human Resources/Administration, Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna.
5. The South Bihar Power Distribution Company Limited, through its Managing Director, Vidyut Bhawan, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Uday Kumar, Adv.
For the Respondent/s	:	Dr. Anand Kumar, Adv.
		Mr. Rajan Prakash, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 25-04-2024

Heard learned counsel for the petitioner and
learned counsel for the State.

2. The present writ application has been filed for grant of benefit of grade-pay of Rs. 8,700/- per month *w.e.f.* 01.07.2013, *i.e.* from the date of post of the Joint Secretary which was re-designated as the Deputy General Manager with consequential relief, set aside the part of Resolution No. 984 dated 16.08.2016.

3. Learned counsel for the petitioner submits that the petitioner was in the secretarial cadre of the Bihar State

Electricity Board and was promoted to the Joint Secretary of the Board vide Notification No. 53 dated 17.01.2012. He further submits that *w.e.f.* 01.11.2012, the Bihar Electricity Board was re-structured into five independent State own companies with the Bihar State Power (Holding) Company Limited, as the mother main company. He further submits that with the restructuring of the Bihar State Electricity Board, a number of posts were re-designated and the post of the Joint Secretary was also re-designated as the Deputy General Manager. He further submits that three Joint Secretaries of the Bihar Electricity Board including the petitioner were re-designated as the Deputy General Manager, Human Resources/Administration and each posted in three different companies with Notification No. 8 dated 01.07.2013 issued by the Joint Secretary of the Bihar State Power (Holding) Company Limited. He further submits that the decision of re-designation of all the posts of the Joint Secretaries of the erstwhile Bihar State Electricity Board as the Deputy General Manager was approved by the Board of Director of the Bihar State Power (Holding) Company Limited and an Office Order No. 156 to the effect was issued vide Memo No. 153 dated 03.02.2014 under the signature of the Deputy General Manager, Human Resources/Administration. He further submits that the petitioner raised his grievances before the authorities of

the Bihar State Power (Holding) Company Limited while two other Joint Secretaries, who were re-designated along with it were granted the grade-pay of Rs. 8,700/- only which is discriminatory as all of them were discharging same functions. He further submits that in the meantime, the petitioner has superannuated while posted as the Deputy General Manager, Human Resources/Administration in the South Bihar Power Distribution Company Limited, Patna. In this background, the grievance of the petitioner for equal grade pay of Rs. 8,700/- like other Deputy General Manager has to be granted. He further submits that the petitioner has filed representation before the General Manager, Human Resources/Administration, the Bihar State Power (Holding) Company Limited on 09.09.2015 and his representation was rejected vide letter no. 6 dated 23.11.2015 and thereafter, respondent realized their fault in granting two different grade-pay for the Deputy General Manager, Human Resources/ Administration for those two Joint Secretaries, who were re-designated as the Deputy General Manager, Human Resources/ Administration and fix the grade-pay of the post as Rs. 8,700/- vide Resolution No. 984 dated 16.08.2016. He further submits that the petitioner needs modification in the said Resolution dated 16.08.2016 and his request is to grant him the grade-pay of Rs. 8,700/- but his

representation was rejected vide letter no. 69 dated 21.10.2016.

4. Learned counsel for the Bihar State Power (Holding) Company Limited on the other hand submits that whatever be the argument of the petitioner is correct but the decision of granting grade-pay has been taken later on after the retirement of the petitioner and as such, after retirement, the petitioner is not entitled for the said benefit.

5. In this regard, the letter no. 6 dated 23.11.2015 issued by the Deputy General Manager, Human Resources/Administration clearly indicates that the said relief was granted *w.e.f.* 16.08.2016, whereas the petitioner retired on 31.08.2014 hence, he is not entitled for the relief.

6. In the light of the submissions made and also in the light of the date of implementation of the benefit to the petitioner, it transpires to this Court that the petitioner has no case and hence, the present writ application stands dismissed.

(Dr. Anshuman, J)

sadique/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.04.2024
Transmission Date	NA