

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22791 of 2012

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Bijoy Kumar Sinha Son of Late Satya Narain Singh R/o - Mohalla -
Damuchak, P.S. Kazimohamadpur, Distt. Muzaffarpur

... .. Petitioner/s

Versus

1. The Bihar State Electricity Board, Patna.
2. The Chairman, Bihar State Electricity Board, Patna
3. The Secretary, Bihar Electricity Board, Patna
4. The General Manager cum Chief Engineer, Tirhut Area Electricity Board,
Bhagwanpur, Muzaffarpur
5. The Electrical Superintending Engineer, Muzaffarpur Circle, Muzaffarpur
6. The Electrical Executive Engineer Urban Maripur, Muzaffarpur
7. The Head Clerk Office of Electrical Executive Engineer, Urban, Maripur,
Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bipin Kumar, Advocate.
For the Respondent/s	:	Mr.Vinay Kirti Singh, Sr. Advocate. Mr. Akhileshwar Singh, Advocate. Mr. Venkatesh Kirti, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 01-07-2024 Heard Mr. Bipin Kumar, learned counsel appearing

on behalf of the petitioner and Mr. Vinay Kirti Singh, learned

senior counsel along with Mr. Akhileshwar Singh and Mr.

Venkatesh Kirti, learned counsel for the respondents.

2. At the outset, learned counsel appearing on behalf
of the petitioner seeks permission to implead the Bihar State
Power Holding Company through its Chairman cum Managing
Director as party respondent no. 8 and North Bihar Power
Distribution Company Limited as respondent no.9, in course of
the day.

3. Permission is accorded.



4. The petitioner has sought for the following reliefs as prayed for in Para-1 of the writ petition, which are, inter alia, reproduced hereinafter:

“(a) That a direction or an order may be issued to the Respondent Authorities to quash the order as contained in Letter no. 5903, Muzaffarpur, dated 26.7.2012 issued by the General Manager Cum Chief Engineer, Tirhut, Area Electricity Board, Bhagwanpur, Muzaffarpur. Whereby and whereunder the genuine claim of the petitioner regarding the reimbursement of the realized amount has been rejected and has valid the order of realization as contained in Letter no. 1376, dated 01.10.2009.

(B) That a direction or an appropriate Writ may be issued to the Respondent authorities to reimburse the realized amount to the petitioner which was illegally recovered from his salary.

(C) That a direction may be issued that the Respondent authorities in utter disregard of man date of law detained the pension papers of the petitioner in his office near about Six Months only in order to harass and humiliate the petitioner.

(D) That a direction may be issued against the Respondent no. 5 & 6 to initiate departmental proceeding for harassing and humiliating the petitioner by way of detaining the pension papers near about six months in his office.”

5. The main ground of the challenge is that the petitioner who was appointed on 30.07.1969 on the post of Junior Lineman has claimed that one Chandeshwar Bhagat who was appointed on later date was given higher pay scale than him for which the petitioner became entitled w.e.f. 27.01.1977.

6. Learned counsel admits that he has not brought on record the date of appointment of said Chandeshwar Bhagat. He also informs that the date of appointment of Chandeshwar Bhagat has not been brought on record by the Bihar State Power



Holding Company and as such, before rejecting the claim of the petitioner, the authorities were required to give specific finding in respect of the claim of the petitioner that junior to him, namely, Chandeshwar Bhagat has been given higher pay scale by way of promotion or as a result of stagnation in the same post giving financial upgradation and rejected same benefit to the petitioner.

7. It is the case of the petitioner that in spite of specific direction of this Court in C.W.J.C. No. 16029 of 2011 contained in order dated 17.01.2012 (Annexure-6), the authority has not considered the case of the petitioner on the point of discrimination.

8. Considering the aforesaid information, as well as, the impugned order contained in Memo No. 5903 dated 26.07.2012, I find that the service particulars of the petitioner who has claimed equality with one Chandeshwar Bhagat who was junior to him and has been given higher pay scale, has also not been discussed in the said order. I find that the impugned order to the above extent is required to be interfered with. Accordingly, the authority concerned is directed to pass a fresh order in accordance with law, specifically discussing the case of the petitioner who has claimed equality with one Chandeshwar



Bhagat wthat who was junior to him and has been given higher pay scale.

9. The writ petition stands disposed of.

(Purnendu Singh, J)

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