

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7288 of 2018

Rajendra Sahani Son of Late Kamal Sahani, C/o Sri Daroga Sahni, Resident of Village-Maripur near Overbridge, P.O.-Muzaffarpur, P.S.-Kazi Mohammadpur, Distict-Muzaffarpur-842001.

... .. Petitioner/s

Versus

1. The Bihar State Power Holding Company Limited Vidyut Bhawan, Bailey Road, Patna, through its Deputy General Manager (Human Resource).
2. The Chairman-cum-Managing Director, Bihar State Power Holding Company Ltd. Vidyut Bhawan, Bailey Road, Patna.
3. The Director (Human Resource and Administration), Bihar State Power Holding Company Ltd. Vidyut Bhawan, Bailey Road, Patna.
4. The Managing Director, South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
5. The General Manager (Human Resource), South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
6. The Deputy General Manager (Human Resource), South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
7. The Electrical Superintending Engineer, Electric Supply Circle, Gaya.
8. The Electrical Executive Engineer, Electric Supply Division, Sherghati Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mahesh Kumar, Advocate
For the Respondent/s	:	Mr. Vinay Kirti Singh, Sr. Advocate
		Mr. Ritesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 01-07-2024

I.A. No.1 of 2022

This interlocutory application has been filed for substitution of legal heirs and representatives of deceased petitioner, mentioned in paragraph-2 of the I.A., who died leaving behind his heirs and legal representatives during the pendency of the writ application.

2. Learned counsel for the Bihar State Power Holding



Company Limited has no objection for the same.

3. As such, I.A. No.1 of 2022 is hereby allowed. Office is directed to insert the name of all heirs and legal representatives of deceased-petitioner on record in the hard copy as well as on the soft copy of the record.

4. Heard learned counsel for the petitioner and learned counsel for the South Bihar Power Holding Company Limited.

5. Learned counsel for the petitioner submits that the petitioner has filed this case for quashing the order dated 25.06.2015 contained in Memo No.1030 passed by the competent authority of South Bihar Power Distribution Company Limited and also to quash the appellate order communicated vide letter No.885 dated 24.06.2016, by which the petitioner was denied to hear his memo of appeal on the ground of delay.

6. After going through the records it transpires to this Court that appellate authority has not considered the case on merit and rejected the same only on technical ground that appeal has been preferred before the appellate authority with delay.

7. It transpires to this Court that matter is relating to departmental proceeding and, as such, it is necessary, in the



opinion of the Court, that appellate authority must decide this case on merit.

8. In this view of the matter, this writ petition is disposed off setting aside the appellate order communicated vide letter No.885 dated 24.06.2016, by which the memo of appeal of the petitioner was rejected.

9. It is directed to the appellate authority to entertain the memo of appeal of the deceased-petitioner condoning the delay in filing the appeal. He shall hear the memo of appeal of the deceased-petitioner or directing the present petitioners to appear on the supplementary memo of appeal filed by the present petitioners (heirs and legal representatives of the deceased-petitioner) within 30 (thirty) days along with order passed by this Court. It is also directed to the appellate authority that he shall pass a reasoned and speaking order on merit within sixty days from the date of receipt/production of a copy of this order.

10. With this direction, this writ application is disposed off.

(Dr. Anshuman, J)

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