

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13078 of 2024

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Anil Kumar, Son of late Nand Kishore Prasad Singh, Resident of village- Sarmera near Gayatri Mandir, Police Station- Sarmera in the District of Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Energy Dept., Govt. of Bihar Patna.
2. The Chairman, South Bihar Power Distribution Company Limited, Patna.
3. The Managing Director Cum Chief Engineer, Transmission Zone New, Punaichak, Patna.
4. The General Manager, (Human Recourses/ Administration) Bihar State Power Transmission Company Limited, Vidhut Bhawan, Patna.
5. The General Manager Finance, Bihar State Power Transmission Company Limited, Vidhut Bhawan, Patna.
6. The Superintending Engineer, Electricity Transmission Circle, Bihar Sharif.
7. The Executive Engineer, Transmission Division, Hathidah.
8. The Assistant Executive Engineer, Transmission Sub Division, Hathidah.
9. The Account Officer, Transmission Sub Division Bihar Sarif.
10. The Assistant Executive Engineer, Transmission Sub Division Tehta.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar, Advocate
For the Respondent/s	:	Mr.Vinay Kirti Singh, SC 15
For the BSPTCC	:	Mr.Kunal Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 09-09-2024 1. The petitioner is a retired employee of Bihar State Power Transmission Company Ltd. He retired from service on superannuation on 31st of December, 2016. After 8 years of his retirement, he has filed the instant writ petition, praying for direction upon the respondents for payment of over time allowance, uniform allowance and travel allowance in terms of



Rules, dated 29th of May, 1976 issued by Bihar State Electricity Board, Patna.

2. It is submitted by the learned Advocate for the petitioner that the petitioner submitted representations (Annexure 2 and 3 series) for payment of allowances before the respondent authority. However, the respondents did not consider his representations.

3. The learned Advocate on behalf of the respondents has raised following preliminary objection:-

(i) The instant writ petition is not maintainable on the ground of delay and laches. The petitioner retired from service in the year 2016 and after long 8 years, the petitioner has come up with a prayer to allow allowances to him. The instant writ petition is thus, vitiated by delay and laches;

(ii) It is submitted by the learned Advocate for the respondents that petitioner has been claiming allowances but in his representation he failed to produce any document to show that he actually worked over and above the initial duty hours for which he is entitled to allowances.

4. In my considered view, the principle of delay and laches is not applicable in a case where the petitioner has prayed for some financial benefit which had accrued as a condition of



service. Moreover, the representations of the petitioner would have been disposed of on the basis of the record of the respondents department coming to a decision as to whether the petitioner actually worked or not.

5. For the reason stated above, the instant writ petition is disposed of, directing the Respondent No. 4 to consider the representations (Annexure 2 and 3 series), filed by the petitioner and come to a finding in consideration of the records as to whether the petitioner is entitled to get any allowance or not.

6. Respondent No. 4 is further directed to dispose of the such representations within eight weeks from the date of communication of this order.

7. The instant writ petition is thus, disposed of on contest.

(Bibek Chaudhuri, J)

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