

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14686 of 2023

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Om Prakash son of Late Ashok Kumar Das, resident of Madhubani Town,
Mohalla J.P. Colony, Ward No. 14, Police Station-Madhubani, District-
Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Deputy Director, Personal cum Engineering Officer, Darbhanga.
2. The Chairman, Bihar State Electricity Board, Patna.
3. The Deputy Director (Personal), Mithila Area Electricity Board, Patna.
4. The Electricity Superintending Engineer, Electric Supply Circle, Darbhanga.
5. The General Manager cum Chief Engineer, Mithila Area Electricity Board, Darbhanga.
6. The Executive Engineer, Electric Supply Division, Madhubani.
7. The Accounts Officer, Electric Supply Division, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhas Ranjan, Advocate
For the NBPDCCL	:	Mr. Kunar Tiwary, ASC with Mr. Vikash Chandra Shrivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 05-01-2024

Heard Mr. Prabhash Ranjan, learned counsel
appearing on behalf of the petitioner and Mr. Kunal Tiwary
along with Mr. Vikash Chandra Shrivastava, learned counsels
for the North Bihar Power Distribution Company Limited
(hereinafter referred to as the 'Company').

2. The petitioner, who claims to be son of late Ashok
Kumar Das has filed the present writ petition, seeking a
direction upon the respondents to ensure payment of gratuity



along with interest.

3. It is submitted on behalf of the petitioner that the father of the petitioner was appointed as Correspondence Clerk in the office of Electric Supply Division, Madhubani in the year 1982. Thereafter, he was promoted to the post of Head Clerk and subsequently as Office Superintendent and posted at Electric Supply Division, Madhubani and since October 1987 he was working there. While the father of the petitioner was in service, on account of certain allegation, he was put to departmental proceeding leading to his dismissal on 23.05.2001 which order was challenged in CWJC No. 11237 of 2003. The writ petition was allowed vide order dated 22.02.2007 on the ground that the punishment is found to be excessive. Finally the father of the petitioner was given compulsory retirement by the Company with effect from 24.05.2001. The father of the petitioner having been compulsorily retired by the Company, subsequently died on 18.08.2022 without getting any gratuity amount. Thus, the present writ petition.

4. Mr. Tiwary, learned counsel for the Company, at the outset, made a preliminary objection with regard to maintainability of the writ petition on account of delay and laches, as admittedly the father of the petitioner was given



compulsory retirement way back in the year 2001 in view of the order of this Court dated 22.02.2007 and the present writ petition has been filed after 16 years.

5. Learned counsel for the petitioner at this stage submitted that he may be permitted to file a representation before the respondent No. 6 who shall consider the claim of the petitioner and dispose of the same.

6. In view of the prayer made on behalf of the petitioner, the writ petition stands disposed of with liberty to the petitioner to file a proper representation before the respondent No. 6. In case, such representation is filed preferably within a period of four weeks from today, the same shall be considered and disposed of by a speaking and reasoned order, preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

7. It is needless to observe that if the claim of the petitioner is found to be justified, the admissible amount shall be paid to him within the period stipulated, hereinabove.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	09.01.2024
Transmission Date	

