

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2069 of 2019

=====

Birendra Kumar Sinha S/o-Late Laxmi Prasad R/o- Mohanchak, P.s.-
Islampur, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar and Ors bihar
2. The Principal Secretary Minor Irrigation Department, Vikash Bhawan, Patna
3. The Additional Secretary(Management) Water Resources Department, Patna
4. The Managing Director Bihar Hill Area Lift Irrigation Corporation Ltd,
Daroga Prasad Rai Path,Patna(Bhalco)

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Respondent/s : Mr. Kapileshwar Prasad Yadav (Gp11)

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

13 19-08-2024 Heard the parties.

2. Earlier when the matter was taken up, the learned Advocate for the State raised a preliminary objection with regard to the maintainability of the writ petition by making a specific contention that the petitioner has already filed a writ petition before the Jharkhand High Court bearing WPS No.2056 of 2015 for grant of all the retiral dues, including, CPF, group insurance, leave encashment and arrear of salary and as such continuation of the present writ petition for the same relief is not at all justified and fit to be rejected.

3. Learned Advocate for the petitioner contended that the petitioner superannuated from service on 29.02.2016. The



WPS No.2056 of 2015 was filed prior to his superannuation only for grant of arrears of salary as well as the CPF amount which has not been paid to the petitioner in absence of allotment of the fund. It is next contended that specific averment has been made in Paragraph No.14 that identically situated persons namely Ram Sevak Singh and Chandra Kishore Prasad, who were identically situated employees of BHALCO, have been accorded their respective retiral benefits at par with the government employees but serious discrimination has been caused to the petitioner. Despite this specific averments, the counter affidavit filed on behalf of respondent Nos. 2 and 4; there is no response.

4. At this juncture, learned Advocate for the State submits at the Bar that instruction is required as to whether the claim of the petitioner is identical to those whose names are mentioned Paragraph No.14 to the writ petition.

5. Considering the nature of grievance and the submissions advanced on behalf of learned Advocate for the parties, this Court deems it apt and proper to dispose off the writ petition with a direction to the respondent No.4 to consider the claim of the petitioner in view of the specific averments made in Paragraph No.14 to the writ petition; as also in the light of



calculation chart prepared and annexed as Annexure-8. Needless to observe, if the claim of the petitioner is found identical to those of Ram Sevak Singh and Chandra Kishore Prasad, who were also the employees of the BHALCO and they have been tendered all the retiral benefits at par with the employees of the government, similar benefits shall be accorded to the petitioner preferably within a period of 12 weeks from the date of receipt/production of a copy of this order.

6. In case the concerned authority comes on different opinion, he shall pass speaking order assigning the reason for differentiation.

7. The writ petition stands disposed off.

(Harish Kumar, J)

durgesh/-

U			
---	--	--	--

