

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5566 of 2018

Purushottam Singh, Son of Late Chakradhar Prasad Singh, At- Rahmatpur,
P.S.- Asarganj, District- Munger, presently at- Gandhi Nagar, Madhubani,
P.S.- K. Hat, District- Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Bihar, Patna
2. The Principal Secretary, Department of Energy, Government of Bihar, Patna.
3. North Bihar Power Distribution Company Limited, Vidyut Bhawan, Patna,
through its Managing Director
4. The Managing Director, North Bihar Power Distribution Company Ltd.,
Patna.
5. The General Manager H.R./Administration, North Bihar Power Distribution
Company Ltd. Patna.
6. Deputy Manager Finance and Accounts, North Bihar Power Distribution
Company Ltd., Patna.
7. Mithila Vidyut Supply Area, Darbhanga, through its Senior Manager
Personnel.
8. Deputy General Manager-cum-Electrical Superintending Engineer, Mithila
Vidyut Supply Area, Darbhanga
9. Electrical Executive Engineer, Town Electric Supply Division, Darbhanga.
10. The Accountant General, Bihar, Bir Chand Patel Path, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rana Ishwar Chandra, Advocate Mr. Ramesh Kr. Singh, Advocate
For the Respondent/s	:	Mr. Vinay Kirti Singh, Sr. Advocate Mr. Venkatesh Kirti, Advocate
For the State	:	Mr. Yogendra Prasad Sinha, AAG-7
For the Acctt. General	:	Mr. Arun Kumar Arun, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 15-04-2024

Learned counsel for the petitioner is directed to
make necessary correction in the cause title, in course of the
day.

2. Heard learned counsel for the petitioner, learned



counsel for the North Bihar Power Distribution Company Limited, learned counsel for the Accountant General and learned counsel for the State.

3. The present writ petition has been filed for the following relief/s :-

“ (i)For quashing of the letter dated 09.08.2017 as contained in Memo No.147 issued under the signature of respondent No.6 and further to command and direct the said respondent to give effect to its letter dated 25.04.2017 as contained in Memo No. 88.

(ii) For commanding and directing the respondents to revise and fix the pay scale of the petitioner since 18.01.1982 to 31.01.2013 in the revised pay scale and further to revise the pension and other allied benefits of retirement on the basis of such fixation and to pay the same with penal interest for delay period of payment.

(iii) For such other relief/s for which the petitioner may be found entitled in the facts and circumstances of the case.”

4. The petitioner has earlier moved before this Court in CWJC No. 6004 of 2014 which was disposed off vide order dated 19.05.2016 and in compliance with the said order passed by this Hon'ble Court, the respondent authorities have passed Annexure -9 contained in Memo No. 88 dated 25.04.2017.



Learned counsel for the petitioner submits that Annexure -9 has been passed in compliance with the order passed by this Hon'ble Court. Subsequently, Annexure-10 which is Memo No. 88 dated 25.04.2017 has been passed by which the cause of action for the petitioner has been developed. By the said letter, the respondents have cancelled the earlier letter (Annexure-9) without granting any opportunity to the petitioner.

5. Learned counsel for the State and learned counsle for the Accountant General submit that the main contest is between the petitioner and the North Bihar Power Distribution Company Limited.

6. Learned Sr. Counsel for the North Bihar Power Distribution Company Limited submits that in paragraph no.4 of the counter affidavit, a stand has been taken that liberty was granted to the petitioner.

7. From the material available on record, it transpires to this Court that the said Annexure-10 has been passed in a gross violation of the principle of natural justice. As such, order dated 09.08.2017 issued vide Memo No. 147 under the signature of DGM(F&A), NBPDC, Patna is hereby set aside.

8. Accordingly, the writ petition is allowed with a Direction to the Managing Director, North Bihar Power



Distribution Company Limited that he shall grant a fresh opportunity to the petitioner and after grating him the opportunity of personal hearing shall pass any order in this matter, in accordance with law.

9. However, the entire exercise shall be completed within 90 days which shall be counted from the last date of the general election of Lok Sabha-2024.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	16/04/2024
Transmission Date	NA

