

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19045 of 2012

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Ratneshwar Jha, S/O Late Shiva Nandan Jha, R/O House No. 18, Rajendra Path, North Sri Krishna Puri, P.O.- Patliputra Colony, Police Station- S.K. Puri, Patna-800013

... .. Petitioner/s

Versus

1. The Bihar State Electricity Board through its Chairman, Vidyut Bhawan, Bailey Road, Patna
3. The Member (Administration) Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
4. The Secretary Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
5. The Bihar State Power (Holding) Company Ltd., through its C.M.D., Vidyut Bhawan, Patna

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 02-07-2024 As prayed for, learned counsel appearing on behalf of the petitioner is permitted to implead the Bihar State Power (Holding) Company Ltd., through its C.M.D., Vidyut Bhawan, Patna as party respondent no.5 in course of the day.

2. Learned counsel appearing on behalf of the petitioner seeks to file a detailed representation before the General Manager (HR), Bihar State Power (Holding) Company Limited for his claim for grant of pay scale of Rs.18000-22500/- on the ground that he had officiated on the higher post



of Chief Engineer for the period 02.03.2009 to 31.10.2009. Learned counsel in support of his claim has relied upon a Division Bench judgment of this Court passed in ***LPA No.1686 of 2010 (Pramila Devi Vs. the State of Bihar & Ors.)***.

3. Mr. Vinay Kirti Singh, learned Senior Counsel appearing on behalf of the Bihar State Power (Holding) Company Limited informs that in spite of the notification dated 26.02.2009, (Annexure 1 to the writ petition), in which, petitioner finds his name at Serial No.2, was allowed to look after the work of Chief Engineer, while he was holding the substantial post of Electrical Superintending Engineer (Commercial) and same will not entitle him for higher pay scale. In this regard, he submitted that a specific statement has been made in paragraph no.7 of the counter affidavit. The petitioner as on date has already superannuated and his pension and other retiral benefit have been paid to him on the basis of last pay drawn.

4. Having heard the rival submissions made on behalf of the parties, it is apparent that *vide* the notification No.205 dated 26.02.2009 (Annexure 1) issued by the erstwhile Electricity Board, the petitioner was allowed to look after the work of Chief Engineer until further order. Petitioner has given



the specific period of work which is nearly for 7 months. In the case of **Pramila Devi (Supra)**, the Division Bench of this Court has held that when an officer who is competent to hold the higher post is made to officiate on a higher post not for a short period or as a stop gap arrangement but for a considerable long period, the post being higher post and involving high duties and responsibilities, the person would be entitled to full benefits of that post. In the present case, I find that the petitioner was posted for only a short span of time, i.e., for 7 months. The petitioner has not made any specific statement in the writ petition, as to whether, during his service period, he had claimed the higher pay scale of assigned post of Chief Engineer but taking into consideration that the writ petition has been pending since the year 2012, petitioner is given liberty to file a detailed representation before the General Manager, Bihar State Power (Holding) Company Limited for considering his claim, as prayed for in the present writ petition.

5. The writ petition is, accordingly, disposed of.

(Purnendu Singh, J)

Sanjay/-

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