

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6821 of 2018

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Munsilal Singh S/o Late Shubh Karan Singh, Resident of Mohalla- Vivek Vihar, P.O. and P.S.- Samastipur, District- Samastipur.

... .. Petitioner/s

Versus

1. The Bihar State Power Holding Company Ltd. through its Managing Director, Vidut Bhawan, Bailey Road, Patna.
2. Managing Director, Bihar State Power Holding Company Ltd., Vidut Bhawan, Bailey Road, Patna.
3. Financial Controller-1, Bihar State Power Holding Company Ltd, Vidut Bhawan, Patna.
4. General Manager cum Chief Engineer, North Electric Supply Area, Muzaffarpur.
5. The Electrical Superintending Engineer, Electric Circle, Muzaffarpur.
6. Electrical Executive Engineer, Electric Supply Division, Hajipur.
7. Electrical Executive Engineer, Electric Supply Division, Gopalganj.
8. Assistant Electrical Engineer, Mahnar, Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Hriday Prasad, Advocate
For the Respondent/s	:	Mr. Vinay Kirti Singh, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 20-03-2024

Heard learned counsel for the petitioner and
learned counsel for the Bihar State Power Holding Company
Ltd.

2. The present writ petition has been filed for
quashing the order of Electrical Executive Engineer, Electric
Supply Division, Hajipur, dated 16.03.2017 (Annexure-22), by
which the claim of petitioner for payment of salary for the



period from October 1991 to 01.03.1995 and from 22.05.1995 to 26.02.1998 was rejected.

3. Learned counsel for the petitioner submits that in the said order the matter of the petitioner has not been considered at all. Counsel submits that every proof of his working for the said period i.e., October, 1991 to 01.03.1995 and from 22.05.1995 to 26.02.1998 have been annexed in the different annexures but the Electrical Executive Engineer, Electric Supply Division, Hajipur, has not considered his case and rejected his claim.

4. Learned Senior Counsel for the Bihar State Power Holding Company Ltd. submits that the petitioner has retired from the service on 31.12.2003. He has filed writ petition bearing CWJC No.624 of 2008, which was allowed vide order dated 25.10.2013 and petitioner was directed to file his representation along with copy of the order before the Electrical Executive Engineer. The Electrical Executive Engineer was directed to pass a reasoned and speaking order within a period of two months. Thereafter, the petitioner has preferred M.J.C. No.53 of 2017 but during the pendency of the same the order has been passed by the Electrical Executive Engineer on 16.03.2017. Thereafter the petitioner has preferred



the present writ petition. From the order passed by the Electrical Executive Engineer, the petitioner has been aggrieved. Learned Senior Counsel submits that the said order has been passed in which in the operative part it has been observed that no document has been annexed by the petitioner to show that he has returned the receipts and amount collected by him towards application for fee estimate and security as well as he has not filed any certificate explaining his absence and giving charge at Sasaram.

5. Counsel further submits that in the operative part of the said order it has been observed by the Electrical Executive Engineer that the petitioner has failed to provide necessary documents regarding period of work done in substantiating his statement regarding return of receipt and deposit of amounts with the department and in absence of those papers he has passed the order.

6. Upon perusal of the documents and hearing the parties, it transpires to this Court that the petitioner was appointed as Junior Electrical Engineer with Bihar State Electricity Board in the year 1978 and he retired from the service on 31.12.2003. After five years of his retirement, in the year 2008, he has started demanding the payment of his salary



for the work done for the period from 01.10.1991 to 01.03.1995 and from 22.05.1995 to 26.02.1998, i.e., after lapse of about 12 to 18 years, and in support of his claim he has not provided the supportive documents before the Electrical Executive Engineer in compliance of the order even after favourable direction granted in his favour vide order dated 25.10.2013 passed in CWJC No.624 of 2008.

7. In the opinion of the Court, the order passed by the Electrical Executive Engineer is speaking and reasoned order and there is no need of any interference. Hence, this writ petition is dismissed.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.03.2024
Transmission Date	NA

