

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4580 of 2016

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Md. Razi Ahmad Khan, Son of Late Md. Salim Khan, Residing at Flat No. T-6, Tazzin Apartment, Al- Aziz Complex, Chitkohara, PO and PS-Gardanibagh, District- Patna

... .. Petitioner/s

Versus

1. The Bihar State Power Holding Company Limited through its chief Managing Director, Vidyut Bhawan, Bailey Road, Patna
2. The Secretary, Bihar State Power Holding Company Limited, Vidyut Bhawan, Bailey Road, Patna
3. The Deputy General Manager (HR and Administrative), Bihar State Power Holding Company Limited, Vidyut Bhawan, Bailey Road, Patna
4. The Chief Engineer, (O and M), Electrical Maintenance, Bihar State Power Holding Company Limited, Vidyut Bhawan, Bailey Road, Patna
5. The Under Secretary, Bihar State Power Holding Company Limited, Vidyut Bhawan, Bailey Road, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bajarangi Lal, Advocate
For the Respondent/s : Mr. Ritesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 11-02-2025

Re. Interlocutory Application No.01/2019,

Interlocutory Application No.02/2021 and Interlocutory

Application No. 03/2021.

Heard learned counsel for the petitioner and learned counsel for the respondents- Bihar State Power Holding Company Limited (hereinafter referred to as the 'respondent-Company').

2. Learned counsel for the petitioner submits that Interlocutory Application No. 01/2019 has been filed to set aside the decision of the Departmental Proceeding Committee, as



contained in Annexure - 11 of the Interlocutory Application as well as Annexure -C to the second supplementary counter affidavit.

3. Learned counsel further submits that Interlocutory Application No. 02/2021 has been filed for the substitution of the legal heir and representative of the sole petitioner, who passed away on 11.05.2021 during the pendency of this writ petition, leaving behind his widow, whose name is mentioned in paragraph 3 of the said interlocutory application. A vakalatnama has also been filed on behalf of the proposed legal heir and representative of the sole petitioner.

4. Learned counsel further submits that Interlocutory Application No. 03/2021 has been filed on behalf of the proposed legal heir and representative of the petitioner, seeking necessary amendments in relief relating to post retiral dues as original petitioner died during pendency of writ petition.

5. Learned counsel for the respondents submits that he has no objection to allowing Interlocutory Application Nos. 02/2021 and 03/2021. He further submits that Interlocutory Application No. 1 of 2019 has become infructuous.

6. In view of the statement made in Interlocutory Application No. 02/2021, the same is allowed. The petitioner is



directed to add the name of the substituted legal heir and representative of the sole petitioner in the cause title of the writ petition today itself. The Registry is hereby directed to correct the name of the substituted legal heirs and representatives of the writ petitioner in the cause title page of the writ petition.

7. This Court further allows Interlocutory Application No. 03/2021, with a direction to the learned counsel for the petitioner to insert the new prayer on the back of page 2 of the main petition, making it a new page 2(A) during course of the day.

Re. CWJC No. 4580 of 2016.

8. Heard learned counsel for the petitioner and learned counsel for the respondents. .

9. Learned counsel for the petitioner submits that the petitioner was an employee of the Bihar State Electricity Board, Patna, which was subsequently restructured and renamed as the Bihar State Power Holding Company Limited. The petitioner was appointed as a Junior Electrical Engineer (General Cadre) through Notification No. 434 dated 26.11.1984 and joined the post on 14.12.1984. He was initially posted at M.R.T. Jamshedpur.

10. Learned counsel further submits that during his



posting at Ranchi, the petitioner fell ill and applied for leave from 21.10.1986 to 11.11.1986 for medical treatment, which was sanctioned. However, while the petitioner was on sick leave, Vigilance P.S. Case No. 33/1986 was registered under the provisions of the Prevention of Corruption Act, in which the petitioner was made an accused. The petitioner was granted anticipatory bail by the Ranchi Bench of the Patna High Court. Subsequently, the petitioner was suspended vide Office Order No. 1650 dated 31.03.1987. His suspension was later revoked through an order dated 25.05.1991, issued by Memo No. 624.

11. Learned counsel further submits that after the revocation of suspension, and at no point during his entire service period, were any disciplinary or departmental proceedings initiated against the petitioner, nor was any punishment ever imposed upon him. The petitioner retired on 31.03.2010 as Junior Electrical Engineer, but despite his long service, he was never granted any promotions, including increments, time-bound promotions, or ACPs.

12. The petitioner submitted several representations seeking consideration of his case, but no decision was taken on these representations. The petitioner then filed CWJC No. 21056 of 2011, which was withdrawn with liberty to file a fresh



writ petition for his claim relating to promotion, vide order dated 19.12.2012. The petitioner subsequently filed CWJC No. 4721 of 2014, seeking time-bound promotions, selection grades, ACP, and regular promotions to the posts of Assistant Electrical Engineer and Electrical Executive Engineer. A final order was passed on 08.09.2014, stating that if the petitioner files a fresh representation before Respondent No. 3 regarding his claim, it would be disposed of preferably within three months.

13. In response, the original petitioner filed a representation on 11.11.2014. However, no order was passed on his representation. Thereafter, the petitioner filed MJC No. 1276 of 2015. Meanwhile, by order dated 03.06.2015, communicated to the petitioner via letter no. 483 dated 08.06.2015, the original petitioner's claim for time-bound promotion, ACP, and regular promotion was rejected on the grounds that he was disqualified for the same. Consequently, the petitioner has filed the present writ petition.

14. Learned counsel for the respondent, on the other hand, submits that the vigilance case in which the original petitioner was an accused resulted into conviction. The respondents further submit that the original petitioner is also an accused in another criminal case.



15. In light of the developments which have taken place during the pendency of the present writ petition, three interlocutory applications aforesaid have been filed. It transpires to this Court that the original writ petitioner passed away during the pendency of the writ petition. Consequently, Interlocutory Application No. 2 of 2021 was filed for substitution and has been allowed today. The Court is of the firm view that, due to the death of the writ petitioner, the situation has completely changed. The widow of the original writ petitioner is now a party at the place of original petitioner in the present writ petition, seeking family pension and other benefits associated with the writ petitioner.

16. From the pleadings and the arguments advanced by learned counsel for the parties, it transpires that the respondent-Company had not granted the reliefs sought by the original petitioner on the grounds of the vigilance case registered against him, in which he was convicted. However, the situation has now changed as all the criminal cases and the criminal appeal in which the petitioner was convicted have been abated upon his death. Therefore, this Court is of the firm view that keeping the present writ petition pending will not resolve the issue at hand.



17. As such, without entering into the merits or demerits of the case, the Court disposes of the present writ petition with the following directions: The respondent is directed to consider the claim of the petitioner (widow of the writ petitioner), who is now entitled to the benefits associated with her deceased husband, as he was an employee of the respondent company. In this regard, the newly added petitioner shall file a fresh representation before the Managing Director, Bihar State Power (Holding) Company Limited, within 30 days from the date of this order, along with a copy of the order, claiming family pension and other dues. The respondent authority is hereby directed to take a decision on the representation within 90 days from the date of filing the same, with a reasoned and speaking order. Furthermore, the respondents are directed to pay the admissible dues of the writ petitioner to his wife within the same 90-day period.

18. With the aforesaid observation and direction, the writ petition stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13/02/2025
Transmission Date	NA

