

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.586 of 2023

In

Civil Writ Jurisdiction Case No.570 of 2023

Kabindra Nath Pandey Son of Late Ram Prasad Pandey, resident of Flat No. 403 Ramshakhi Khaderan Complex L.C.T Ghat Mahavir Watsalya Hospital, Patliputra, P.S. - Patliputra, District - Patna, Bihar, Pin Code - 800013.

... .. Appellant/s

Versus

1. The Chairman cum Managing Director Bihar State Power Holding Corporation Ltd. 5th Floor, Vidyut Bhawan, Bailey Road, Patna.
2. The Managing Director (Human Resources of Administration), Bihar State Power Holding Corporation Ltd. Vidyut Bhawan Bailey Road, Patna.
3. The Managing Director (Human Resources of Administration) Bihar State Power Generating Co. Ltd. Vidyut Bhawan, Bailey Road, Patna.
4. The Sr. Manager Finance of Account, BTPS Cell, Begusarai, Now Transferred as Bihar State Power Generation Co. Ltd. Vidyut Bhawan, Bailey Road, Patna.

... .. Respondent/s

with

Letters Patent Appeal No. 587 of 2023

In

Civil Writ Jurisdiction Case No.566 of 2023

Naushad Karim Son of Ayaz Karim resident of Opposite Balamichak More, Flat No. 103, Shail Massion Apartment, Ramesh Path, P.O.- Anisabad, District- Patna, Bihar, Pin Code- 800002.

... .. Appellant/s

Versus

1. The Chairman-Cum-Managing Director, Bihar State Power Holding Corporation Ltd. 5th Floor, Vidyut Bhawan Bailey Road, Patna.
2. The Managing Director , (Human Resources and Administration) Bihar State Power Holding Corporation Ltd., Vidyut Bhawan Bailey Road, Patna.
3. The Managing Director, (Human Resource of Administration) Bihar State Power Generating Co. Ltd., Vidyut Bhawan Bailey Road, Patna.
4. The Sr. Manager Finance and Accounts BTPS Cell Begusarai Now transformed as Bihar State Power Generation Co. Ltd., Vidyut Bhawan Bailey Road, Patna.

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 586 of 2023)

For the Appellant/s : Mr.Chandra Bhushan Upadhyay



For the Respondent/s : Mr.Vinay Kirti Singh
(In Letters Patent Appeal No. 587 of 2023)
For the Appellant/s : Mr.Chandra Bhushan Upadhyay
For the Respondent/s : Mr.Vinay Kirti Singh

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 13-10-2025

RE: LPA No. 586 of 2023

Appellant has assailed the order of learned Single Judge dated 16.03.2023 passed in CWJC No. 570 of 2023. Core issue involved in the present *lis* is whether appellant is entitled to overtime salary/allowances for the period from August, 2013 to December, 2018 and January, 2019 or not?

2. Perusal of the dates and events, it is evident that appellant – *Kabindra Nath Pandey* has attained age of superannuation and retired from service on 31.01.2021. Assuming that he is entitled to certain overtime salaries/allowances in the month January, 2019. He should have invoked the remedy before this Court within three years whereas he has attained age of superannuation and retired from service on 31.01.2021 and knock the doors of the concerned authority in the year 2022, and thereafter, he has invoked the remedy before this Court in filing CWJC No. 570 of 2023.

3. Having regard to the delay and laches on the part



of the appellant, the appellant has not made out a case. Similar view has been taken in the case of ***Dinesh Rai vs. State of Bihar & Ors.*** in LPA No. 409 of 2019 decided on 07.11.2022, while taking note of the Hon'ble Supreme Court decision in the case of ***State of Jammu & Kashmir vs. R.K. Zalpuri & Ors.*** reported in **AIR 2016 SC 3006**.

4. Accordingly, the present LPA No. 586 of 2023 stands dismissed.

5. Pending Interlocutory Application(s), if any, stands disposed of.

RE : LPA No. 587 of 2023

6. Appellant has assailed the order of learned Single Judge dated 16.03.2023 passed in CWJC No. 566 of 2023. Core issue involved in the present *lis* is whether appellant is entitled to overtime salary/allowances for the period from July, 2015 to September, 2017 or not?

7. Perusal of the dates and events, it is evident that appellant – *Naushad Karim* has attained age of superannuation and retired from service on 01.10.2017. Assuming that he is entitled to certain overtime salaries/allowances in the month September, 2017. He should have invoked the remedy before this Court within three years whereas he has attained age of



superannuation and retired from service on 01.10.2017 and knock the doors of the concerned authority in the year 2022, and thereafter, he has invoked the remedy before this Court in filing CWJC No. 566 of 2023.

8. Having regard to the delay and laches on the part of the appellant, the appellant has not made out a case. Similar view has been taken in the case of *Dinesh Rai vs. State of Bihar & Ors.* in LPA No. 409 of 2019 decided on 07.11.2022, while taking note of the Hon'ble Supreme Court decision in the case of *State of Jammu & Kashmir vs. R.K. Zalpuri & Ors.* reported in **AIR 2016 SC 3006**.

9. Accordingly, the present LPA No. 587 of 2023 stands dismissed.

10. Pending Interlocutory Application(s), if any, stands disposed of.

(P. B. Bajanthri, CJ)

(Alok Kumar Sinha, J)

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