

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1001 of 2022

Yugeshwar Upadhyay Son of Late Shyama Upadhyay Resident of Village -
Piro old Station Road, Ward No. -09, Post and P.S. - Piro, District- Bhojpur.

... .. Petitioner/s

Versus

1. The Bihar State Electricity Board through its Chairman, Vidyut Bhawan, Bailey Road, Patna.
2. The Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna.
3. The Bihar State Power Holding Company Limited through its Chairman - cum- Managing Director, Vidyut Bhawan, Baily Road, Patna.
4. The Managing Director North Bihar Power Distribution Company Limited, Vidyut Bhawan, Baily Road Patna.
5. The Manaing Director South Bihar Power Distribution Company Limited, Vidyut Bhawan, Baily Road Patna.
6. The Managing Director, Bihar State Power Generation Company Limited, Vidyut Bhawan, Patna.
7. The Electirional Superintending Engineer, Bhojpur Electric Circle, Ara.
8. The Electrical Executive Engineer Electric, Central Godown Ara, Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nagendra Upadhyay, Advocate
For the Respondent/s	:	Mr. Vinay Kirti Singh, Advocate
For Resp. nos.3 to 6	:	Ms. Y. Madhavi, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 22-06-2026 Heard learned counsel for the petitioner and learned
counsel for the Bihar State Power Holding Company Limited
(respondent nos.3 to 6).

2. The petitioner has filed the instant application for
the following relief(s):

*“That this is an application
for issuance of a writ in the nature of
mandamus directing and commanding*



the respondents to grant the petitioner pay scale of Rs. 490-16-618-18-744-20-844 with effect from 01.04.1975 and revised pay scale of Rs. 725-18-905-20-1005-22-1115 with effect from 01.04.1983 and pay-scale of Rs. 1400-2450 from 01.01.1986 and further directing the respondents to pay the difference of retiral dues in each heads arising out of the aforesaid pay-scale with admissible interest. And/or pass such other order/orders as may appear just and proper in the facts and circumstances of the case.”

3. The case of the petitioner in brief is that persons/drivers similarly situated as that to the petitioner filed C.W.J.C. no. 4 of 2006 which was disposed off by order dated 13.3.2013 (Annexure-2) in the following terms:

“Having heard the parties, in my view, the writ petition must succeed. The fallacy in the argument of the Board lies specifically relying on Annexure-4, as noted above. The Annexure-5 in clear terms states that the categorization has not been reflected in Annexure-4. A reference to Annexures-5&8 would show that the driver even moved to skilled-B. If



Annexures-5&8 are read together then the irresistible conclusion is that the drivers, who were in the pay-scale of Rs.310-490 which is the earlier order of this Court as well, would first migrate to Rs.490-844 in skilled-B and then as per Annexure-8, revised pay-scale of Rs.725-1115 with effect from 01.04.1983 and not Rs.665-967, which is for skilled-C. Consequently, when further revision is ordered vide notification 102/EB dated 21.07.1990 vide Annexure-9. There is existing pay-scale of Rs.725-1115 and they would be in the revised pay-scale of Rs.1400-2450.

Thus, in my view, Annexure-12 is not in consonance with the earlier judgment. It is contrary to Board's own notification, as contained in Annexures-5&8 and on misinterpretation thereof, Annexure-12 to the said extent is quashed.

With the aforesaid observations and directions, as contained above, the pay-scale of vehicle drivers security/vehicle drivers would stand revised and corrected and, accordingly, the writ petition stands disposed of."



4. It is further submitted by learned counsel for the petitioner that L.P.A. no. 1375 of 2013 (The Bihar State Electricity Board vs. Association of the Vehicles Drivers through its General Secretary) preferred against the order dated 13.3.2013 (Annexure-2) was dismissed by judgment dated 12.7.2017 (Annexure-3) and thereafter the SLA(C) no.9343 of 2018 (Bihar State Electricity Board @ Bihar State Power Holding Company Ltd vs. Association of the Vehicles Drivers) filed was also dismissed by the Hon'ble Supreme Court by order dated 1.5.2018.

5. Learned counsel for the petitioner submits that similarly situated persons as the petitioners preferred C.W.J.C. no. 1102 of 2019 which was disposed off by this Court by order dated 14.2.2019. The instant application may also be disposed off in similar terms.

6. Having heard learned counsel for the parties and having perused the contents of the petition, the writ application is disposed off directing the petitioner to file a representation before the Chairman-cum-Managing Director, Bihar State Power Holding Company Limited (respondent no.3) within a period of four weeks enclosing with the same the judgments of this Court as also the Hon'ble Supreme Court referred to herein



above.

7. The respondent concerned shall dispose off the representation within a period of two months from the date of its filing.

8. The writ application stands disposed off.

(Partha Sarthy, J)

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