

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17863 of 2023

Manotora Devi Wife of Late Ramekbal Paswan, Resident of Village-
Sabrabad Post office- Parari, Police Station- Chenari Distt- Rohtas at
Sasaram.

... .. Petitioner/s

Versus

1. The Bihar State Power Holding Company Limited, through its Chief Managing Director, Vidyut Bhawan, Patna.
2. The Managing Director, South Bihar Power Distribution Company Ltd., Vidyut Bhawan, Patna.
3. Senior Manager Personnel, South Bihar Power Distribution Company Ltd., Patna.
4. General Manager-cum-Chief Engineer, South Bihar Power Central Area Board, Serpentine Road, Patna.
5. Superintending Engineer, Vidyut Aapurti Pramandal, Patna (Rural).
6. The Dy. Accounts Director Central South Bihar Power Area Board, Patna.
7. The Account Officer, Electric Supply Division, Patna (Rural).

... .. Respondent/s

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Hansh Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 20-07-2026 No one appears on behalf of the petitioner.

2. The petitioners in paragraph no. 1 of the present writ petition has sought *inter alia* the following relief(s), which is reproduced hereinafter:-

“(I) Issuance of an appropriate writ including a writ in the nature of mandamus commanding the respondents to forthwith sanction and pay the amount of earned leave of the husband of the petitioner who superannuated from the services on 31.05.2020 from the services of SBPDCL from the post of Junior Lineman posted at Vidyut Aapurti Pramandal Bhuraula, Patna



(Rural), which the respondents are not paying in spite of repeated reminder and necessary actions.

(ii) Issuance of an appropriate writ including a writ of mandamus commanding the respondents not to deduct any amount from the amount of leave encashment as husband of the petitioner already died and no show cause has been issued by the respondents for any kind of deduction during his lifetime.

(iii) Issuance of an appropriate writ including a writ in the nature of writ of mandamus commanding the respondents to pay the amount of gratuity with interest from the time they become due till the actual payment of the dues.

(iv) Issuance of any other appropriate writ/writs, order/orders, direction/directions as may be deemed fit and proper in the facts and circumstances of the case.”

3. Mr Hansh Raj, learned counsel, has tendered his appearance on behalf of the respondents no.1 to 3, who are the authorities of the South Bihar Power Distribution Company Limited and informs this Court that excess amount paid to husband of the petitioner amounting to Rs.1,00,087/- has been recovered from leave encashment calculation.

4. No reason has been given in the counter affidavit, as to why, the recovery has been made from a Class D employee. The action is deprecated in view of law laid down by the Apex Court in case of **State of Punjab & Ors. Vrs. Rafiq Masih & Ors.**, reported in **(2015) 4 SCC 334** and in the case



of Thomas **Daniel Vrs. State of Kerala & Ors.** reported in
2022 LiveLaw (SC) 438.

5. The respondents are directed to take corrective measures and see that the petitioner, who is wife of the deceased employee, is paid the entire amount well within a period of ten weeks.

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

(Purnendu Singh, J)

Sanjay/-

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