

(2012) 01 JH CK 0107
In the Jharkhand High Court
Case No : L.P.A. No. 152 of 2011

Bihar State Electricity Board and Others	APPELLANT
Vs	
Jharkhand State Electricity Board and Others	RESPONDENT

Date of Decision : 17-01-2012

Acts Referred:

Citation : (2012) 01 JH CK 0107

Hon'ble Judges : Prakash Tatia, J; P.P. Bhatt, J

Bench : Division Bench

Judgement

1. It appears that similar controversy is involved in L.P.A. No. 21 of 2010 and W.P. (C) No. 1047 of 2008.
2. It has been submitted by learned counsel for the appellants that the issue has already been decided by the Division Bench of this Court in the case of Akhileshwar Prasad Vs. Jharkhand State Electricity Board & Others and the Hon"ble Supreme Court, after taking note of the Government of India's decision dated 03.11.2006, disposed of the Civil Appeal No. 5338 of 2006, vide order dated 01.12.2006, and therefore, all these matters may be heard together by the Division Bench as, otherwise, there will be multiplicity of the proceedings and different orders with respect to one subject matter i.e. with respect to retirement benefit of the employees who retired prior to 01.04.2001 and prior to 15.11.2000.
3. Therefore, list W.P.(C) No. 1047 of 2008 and L.P.A. No. 21 of 2010 along with this L.P.A. on 28.02.2012.
4. Heard learned counsel for the parties on stay.
5. Learned counsel for the appellants drew our attention to the order passed by us in L.P.A. No. 21 of 2010 wherein by the impugned order, direction was given to the Jharkhand State Electricity Board to pay the retirement benefits to the employee and stay has been refused by this Court (by us) vide order dated

02.01.2012 resulting into payment of the retirement benefits by the Jharkhand State Electricity Board. It is submitted that in case the operation of the impugned order directing the Bihar State Electricity Board to pay retirement benefits will not be stayed, then that will be contrary to the order passed in L.P.A. 21 of 2010.

6. We have considered the submissions of the learned counsel for the parties on this issue. By order dated 02.01.2012 passed in L.P.A. No. 21 of 2010, we have clearly observed that the dispute is between the Jharkhand State Electricity Board and the Bihar State Electricity Board and, therefore, the benefit to which the employee is entitled cannot be denied and to continue the status quo, we passed the said order dismissing the stay petition. In this case, even if the liability of the Bihar State Electricity Board remains, we are not inclined to stay the operation of the order to maintain status quo in the matters where the two learned Single Benches have taken two different views in the matter and the stakes of the two State Electricity

7. Boards are not above the interest of the employee which is required to be safeguarded and to maintain the parity and for continuation of the things in the light of the decision given by the learned Single Judges and till it is decided which of the view is correct, we direct the appellants to comply with the direction of the learned Single Judge and to pay the retirement benefits to the respondent employee expeditiously within a period of two months from today. We are passing this order because, as per learned counsel, there is provision for accounting in the Bihar Reorganization Act, 2000 to settle such claims of two States, therefore, who will pay is not a big issue at this stage. However, this payment will be subject to the final decision and ultimately it may be the liability of the State Electricity Board either of Jharkhand or of Bihar as may be in other cases also. Therefore, this interim arrangement is made consciously after taking note of the interim order referred above.

8. However, looking to the nature of the controversy and involvement of the persons who have already retired, we are fixing these matters for final disposal on 28.02.2012.