

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3637 of 2011

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1. Lakshmina Devi wife of Radha Raman Singh Son of Late Mahatam Singh resident of Village Bagahi, P.O.- Samhauta, P.S. Kopa District Saran (Chhapara)

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary
2. Bihar State Road Transport Corporation, Sultan Palace, Virchand Patel Marg, Patna
3. The Administration, Bihar State Road Transport Corporation, Sultan Palace, Virchand Patel Marg, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Adv.

For the Respondent/s : Mr. Anil Kr Uapdhyay, Sc20
Mr. Naresh Prasad, AC to SC-20

For the BSRTC : M/s. P.K.Verma, Nand Kumar Singh and
Arvind Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

9 08-01-2015 Heard learned counsel for the petitioner, for the State

and for the Bihar State Road Transport Corporation.

The present petitioner is the substituted heir of
original petitioner, Radha Raman Singh.

For the sake of convenience, in place of original
petitioner, it will be referred as 'petitioner'.

The petitioner was appointed in the year 1981,
regularized in service in the year 1989 and from 1997 he was
discharging the duty of Store keeper.

While in service, vide Memo No. 1756 dated 13th



May 2005 petitioner was compulsorily retired from service under the provisions of Section 74(b)(ii) of the Bihar Service Code. Against that order, petitioner filed a representation before the competent authority on 13th May 2005 and vide Memo No. 32 dated 15th October 2007 the order of compulsory retirement was withdrawn and petitioner was reinstated in service and accordingly he joined the post on 16th October 2007.

In the present case, petitioner is aggrieved by non-payment of salary for the period he remained under compulsorily retirement from 13th May 2010 to 15th October 2007 and has claimed that his case is identical to the case of Baxi Arun Kumar Sinha (CWJC No. 1537 of 2007) and the Court has granted the relief of salary during the period of compulsory retirement to him and he has also placed reliance on the order passed in CWJC No. 314 of 2011 (Vijay Kumar v. The State of Bihar and others and other analogous cases) where this Court in identical situation, granted relief in the light of aforesaid judgment.

The BSRTC has filed a counter affidavit where a plea has been taken that the petitioner was found carrying 52 un-booked passengers and after joining departmental proceeding was initiated against him, but ultimately proceeding against him was dropped vide Memo No. 307 dated 5th January 2015 which has

been produced by the counsel for the BSRTC.

In such view of the mat ter, the respondent concerned is directed to grant the same relief as has been given to the similarly situated person, namely, Vijay Kumar (CWJC No. 314 of 2011) and others and Baxi Arun Kumar Sinha (CWJC No. 1537 of 20078.

With this observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

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