

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8960 of 2010

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Gopal Dutt Shukla S/O Late Nath Shukla R/O Vill Bagoara, P.S.Daroanda,
Distt-Siwan

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Administrator , Bihar State Road Transport Corporation Parivahan Bhawan Veerchand Patel Path, Patna
3. The Commissioner, Transport Department Government Of Bihar, Patna
4. The Chief Of The Operation B.S.R.T.C. Veerchand Patel Path, Patna
5. The Chief Of The Administration , B.S.R.T.C. Veerchand Patel Path, Patna
6. The Divisional Manager, Muzaffarpur Division, Bihar State Road Transport Corporation
7. The Depot Superintendent , Bihar State Road Transport Corporation Sitamarhi Division

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Adv
For the State : Mr. Rajiv Roy, GP-5 with Mr. Suresh Kumar
AC to GP-5
For the BSRTC : Mr. Nand Kumar Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 13-05-2015 Heard learned counsel for the parties.

Having regard to the fact that no fresh writ petition would lie for enforcement of an order passed in C.W.J.C No. 97 of 2010, filed by this very petitioner, the present writ application seems to be misconceived. If the order of this Court dated 05.02.2010, was not complied by the respondents the petitioner only had to file the contempt application.



Learned counsel for the petitioner then has submitted that during the pendency of this writ application a cause of action had arisen to the petitioner on account of show cause notice dated 13.02.2010, and an office order dated 17.03.2010 as contained in Annexure-6 series.

From the reading of the aforementioned two orders and in fact the series of show cause notices and few orders, it would transpire that the Bihar State Road Transport Corporation had sought to make certain recovery of the loss sustained from the petitioner on account of his allegedly not doing the duty with due diligence.

This Court would not like to make any comment on the contents of the show cause notices or the order because this aspect of the matter has been gone into at some length by another learned Single Judge of this Court in his judgment dated 20.10.2011 in C.W.J.C No. 2930 of 2004(Suresh Prasad Singh & Ors vs the

B.S.R.T.C & Anrs), wherein, after having given certain finding in favour of Corporation for exercising power for recovery of the loss sustained by it, he has also given observation in favour of workman like petitioner by allowing them to approach the competent authority for redressal of their grievance.

In that view of the matter, this writ application also is disposed of in terms of the judgment dated 20.10.2011 in the case of Suresh Prasad Singh (supra) with a hope and belief that the Corporation in the event, will not be satisfied with the explanation of the petitioner, it would not only give the petitioner self contained show cause notice and thereafter will pass its order only by way of consideration of the show cause reply through a speaking order.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

Ranjan/-

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