

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12919 of 2012

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Nitya Narayan Choubey Son Of Late Padam Nath Choubey Resident Of Vill. Aru,
P.S. Vajirganj, Distt. Gaya

.... Petitioner

Versus

1. The Administrator, Bihar State Road Transport Corporation, Parivahan Bhawan, Patna
2. The Chief Of Administration, Bihar State Road Transport Corporation, Parivahan Bhawan, Patna
3. The Chief Of Personal, Bihar State Road Transport Corporation, Parivahan Bhawan, Patna
4. The Chief Account Officer, Bihar State Road Transport Corporation, Parivahan Bhawan, Patna
5. The Divisional Manager, Bihar State Road Transport Corporation, Chapra
6. The Divisional Manager, Bihar State Road Transport Corporation, Gaya

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Avinash, Advocate

For the Respondent/s : Mr. Prabhat Kumar Verma, Sr. Advocate

Mr. Suman Kumar Jha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 01-12-2015

Heard learned counsel for the parties.

From the pleadings on record it appears that as per the respondent Corporation all admitted dues of the petitioner have been paid except for 75% of Leave Encashment and full amount of Gratuity on account of paucity of funds and further that as per the scheme, all employees are being paid certain percentage of their dues under various heads uniformly.

However, learned counsel for the petitioner submits that even with regard to arrears of salary, the respondents themselves

have disclosed the amount to be Rs.2,84,834/- which is evident from annexure-7, which is copy of memo no. 1258 dated 12.05.2010 whereas in the counter affidavit filed, the amount has been shown as 2,60,389/-. Thus, it is submitted that the respondent Corporation has not paid the entire amount under this head also to the petitioner.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the writ application stands disposed off with a direction to the petitioner to file an appropriate representation before respondent no. 4 raising all his claims including that relating to less payment on the head of arrears of salary. If such a representation is filed within four weeks from today along with a copy of this order, respondent no. 4 shall pass appropriate orders on the same within four weeks from the date of filing. If anything is found payable to the petitioner, the same shall also be paid to him within four weeks thereafter.

It goes without saying that that as per the uniform policy of the respondent Corporation, the remaining 75% amount of Leave Encashment and Gratuity shall also be paid to the petitioner without any discrimination as per the scheme.

(Ahsanuddin Amanullah, J)

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