

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17049 of 2015

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Anjani Kumar Srivastava, son of Late Braj Bihari Sahay, Sahay Sadan, Vasant Bihar, Bazar Samiti, West Champaran, Bettiah, P.S. - Muffasil, Dist.-Bettiah, at present Khemka Residency ID, Block B, Kanke Road Ranchi (Jharkhand)

.... Petitioner

Versus

1. The Administrator, Bihar State Road Transport Corporation, Patna
2. Chief of Administration, BSRTC, Patna
3. Depo Superintendent, BSRTC, Darbhanga Depo

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Karn, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 27-06-2016

Heard learned counsel for the petitioner and the respondents.

2. The petitioner prays for payment of his post retiral benefits, namely, Contributory Provident Fund (CPF) up to date with statutory interest, leave encashment, arrears of difference of salary on account of revision of salary and arrears of salary for the period 06.02.2009 to 27.10.2009, as per direction of Hon'ble Supreme Court.

3. The short facts of the case is that the petitioner entered into service of Bihar State Road Transport Corporation (hereinafter referred to as 'the Corporation') on 28.06.1978. He retired on 31.01.2013 from the post of Sr. Foreman.

4. During his service tenure, the petitioner was

departmentally proceeded for certain acts of omission and commission. On conclusion of the proceeding, the disciplinary authority ordered that the petitioner would not be entitled to any retiral benefits.

5. The petitioner submits that on retirement, the employees of the Corporation are entitled to C.P.F., gratuity and leave encashment.

6. Learned counsel for the Corporation submits that in view of punishment order, the petitioner would not be entitled to leave encashment, gratuity or C.P.F., as all come within the fold of retirement benefits. Furthermore, the petitioner has already raised an industrial dispute in the light of observation of this Court passed in C.W.J.C. No. 9062 of 2013 against the order of stoppage of all retiral benefits.

7. The petitioner submits that he has made his own contributions towards the contributory provident fund, which cannot be withheld by the respondents in any circumstances. He submits that under the CPF Regulation, 1960, there is no power vested with the Corporation to withhold the C.P.F. dues payable to an employee.

8. I would agree with the submission of the learned counsel for the petitioner that the Corporation cannot withhold the contributions made by the petitioner towards his C.P.F. account along

with statutory interest. The rest of the retiral dues/benefits would be subject to final adjudication of the matter decided in Industrial Dispute Act or the superior Courts.

9. It is directed that the C.P.F. dues would be paid to the petitioner within a period of two months from the date of receipt of a copy of this order.

10. It goes without saying that if there is any arrear with respect to his admissible salary, the same would also be paid to the petitioner expeditiously.

11. The writ application stands disposed of.

(Samarendra Pratap Singh, J.)

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