

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4436 of 2013

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Lal Babu Choudhary S/O Late Saukhi Choudhary R/O Village- Khajpura,
P.S- Hawai Adda, Distt- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary, Department Of Transport, Vishesharaiya Bhawan, Bailey Road, Patna.
2. The Bihar State Road Transport Corporation, Through The Administrator, Bihar State Road Transport Corporation, Pariwahan Bhawan, Birchand Patel Road, Patna.
3. The Administrator, Bihar State Road Transport Corporation, Pariwahan Bhawan, Birchand Patel Road, Patna.
4. The Financial Advisor Cum Chief Accounts Officer, B.S.R.T. Corporation, Pariwahan Bhawan, Birchand Patel Path, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Adv.
For the State : Mr. Rajesh Kr. Sinha, Adv.
For the BSRTC : Mr. P.K. Verma, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 18-02-2016 Heard learned counsel for the petitioner and counsel

for the State as also counsel for the Bihar State Road Transport

Corporation (in short “BSRTC”).

In the present case, a very limited grievance has been raised by the petitioner with regard to non-payment of salary from 4th January, 1994 to September, 1994 and for the month of May, 1999 and 50% of the salary from December, 2000 to June, 2001 as also payment of differential amount of revised pay in terms of 5th Pay Commission Report as per Annexure-4 to this writ application which has been issued by the Administrator, BSRTC vide memo no. 3514 dated 9.6.2001.

A counter affidavit has been filed by the BSRTC but there is no factual denial with regard to payment of salary for the aforesaid period. Actually, the counter affidavit does not deal with this aspect of the matter rather in paragraph no.3, details have given of retiral dues in different heads such as provident fund, gratuity, leave encashment, dearness allowance, interim relief and payment but the period of payment has not been mentioned in the chart.

In such view of the matter, in the interest of justice, the petitioner will file a detailed representation to the Administrator, BSRTC who will examine the case of the petitioner and will pass a reasoned order after giving fair hearing to the present petitioner.

If the Administrator, BSRTC would arrive at a finding with regard to entitlement of certain amount, it goes without saying that the same should be paid to the petitioner expeditiously preferably within a period of three months from the date of passing of the order by the Administrator, BSRTC.

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

(Shivaji Pandey, J)

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