

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14228 of 2013

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Kishori Mohan, son of Shiv Prasad Arya, Resident of Mohalla- Rahmatganj, Post-Masauri, District- Patna.

.... Petitioner

Versus

1. Bihar State Road Transport Corporation, through the Administrator, Birchand Patel Marg, Patna- 1.
2. The Administrator, Bihar Road Transport Corporation, Birchand Patel Marg, Patna- 1.
3. The Divisional Manager, Bankipur Division, Bihar State Road Transport Corporation, Gandhi Maidan, Patna.
4. The Chief Accounts Officer, Bihar State Road Transport Corporation, Birchand Patel Marg, Patna- 1.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Bimlesh Kumar Jha, Adv.
For the BSRTC : Mr. P.K. Verma, Senior Adv.
Mr. Saroj Kumar Shurma, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 02-12-2016

Heard learned counsel for the petitioner and learned counsel for the Bihar State Road Transport Corporation.

In this case, the petitioner is claiming that the Corporation has wrongly deducted an amount of Rs.60,280.30/- without initiating any departmental proceeding and without following any procedure known to the law.

The order dated 07.10.2004 has been annexed to the counter affidavit, which discloses that along with the petitioner five other persons were also subjected to recovery of the excess amount.

Learned counsel for the petitioner submits that out of



six persons, the Corporation has already returned the amount to two persons, namely, Udayraj Prasad and Ramashish Prasad, but the petitioner has wrongly been treated.

These facts can be looked into by the authority concerned. Let the petitioner file a detailed representation before the Administrator, Bihar State Road Transport Corporation, who will dispose of the same after considering the documents produced by the petitioner and after hearing him. The Administrator, Bihar State Road Transport Corporation, shall apply its own mind and pass a reasoned order without being influenced by the earlier orders passed by the authority. The Administrator, shall also examine whether the benefits that has been claimed by the petitioner has been given to other persons or not. If he finds that such benefit has been given to other similarly situated persons, then certainly the petitioner will also be entitled for the same.

With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	03.12.2016
Transmission Date	

