

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4459 of 2012

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1. Kapildeo Pd. Ambastha S/O Late Bisheshwar Prasad Resident Of
Mohalla- Ramaliganj, P.O+P.S- Laheriasarai, District- Darbhanga.

.... Petitioner/s

Versus

1. B.K.Sinha, Administrator, Bihar State Road Transport Corporation
Paribahan Bhawan, Patna.
2. Mohan Lal Jain, Chief Account Officer, Bihar State Road Transport
Corporation, Paribahan, Bhawan, Patna.
3. The State of Bihar, Pradhan Sachiv, Path Nirman Bibhag, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur
For the BSRTC : Mr. Prabhat Kumar Verma, Sr. Advocate
Mr. Jainendra Kumar Sinha

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 19-01-2017 Heard learned counsel for the petitioner and learned Senior
counsel appearing on behalf of Bihar State Road Transport
Corporation.

The petitioner seeks compliance of the order dated
15.07.1998 passed in M.J.C. No. 1463 of 1996 and, thereafter,
another order dated 14.07.2011 in M.J.C. No. 2449 of 2001 in
which the prayer was for initiating contempt proceeding against
the opposite parties for implementation of the order dated
15.07.1998 passed in M.J.C. No. 1463 of 1996. The said
contempt application was disposed of by an order dated
14.07.2011 in which a liberty was given to the petitioner to agitate
his claim for interest, if any, in the light of the decision of the



Supreme Court in the case of State of Bihar vs. Suraj Deo Singh and Ors. While disposing of the matter finally by Annexures-2 and 3 dated 14.07.2011 and 24.08.2011, the order passed in Writ Petition (Civil) No. 337 of 2001 (B.S.R.T.C. Retired/Deceased Employees Morcha & Ors. Vs. State of Bihar & Anr. and other analogous cases, was disposed of by order dated 24.08.2011. There is no reference regarding payment of interest.

It is needful to mention here that in the order Annexure-2 passed in M.J.C. No. 2449 of 2001 disposed of on 14.07.2011 clearly stated that the matter regarding payment of interest and costs would be considered only after disposal of the matter pending before the Hon'ble Supreme Court vide its decision in the case of Bashishtha Narain v. State of Bihar, reported in 1997 (1) PLJR 978.

This Court after examining the decision reported in the aforementioned judgment feels that the matter regarding payment of pension was to have been considered only after disposal of the matter pending in the Supreme Court in the case of State of Bihar v. Suraj Deo Singh and Ors. while disposing of the matter finally.

Learned counsel for the Bihar State Road Transport Corporation has produced the order in the aforementioned case (State of Bihar Vs. Suraj Deo Singh and Ors.) in which there is no



specific direction for payment of interest and costs over the retiral dues of the employees of the Bihar State Road Transport Corporation.

As such, this Court finds no occasion to proceed any further in the matter under the contempt jurisdiction as there is no positive direction from any quarter for payment of interest, save and except, the earlier direction issued in the case of the petitioner which was disposed of in the light of the decision in C.W.J.C. No. 7177 of 1994 and stood modified by the later direction of this Court in the case of Bashishtha Narain v. State of Bihar (supra).

As such, this application stands dismissed.

(Anjana Mishra, J)

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