

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1864 of 2015
IN
Civil Writ Jurisdiction Case No. 518 of 1999**

- =====
1. Bihar State Road Transport Corporation through its M.D/Administrator BSRTC Patna.
 2. The M.D./Administrator BSRTC Patna.
 3. The Chief of Operation BSRTC Patna.
 4. The Works Manager, Central Workshop the BSRTC Patna.

.... Appellant/s

Versus

Bachchan Prasad Singh, S/o Late Kamrup Prasad Singh, R/o+Vill- Pandui, P.S.-
Jahanabad, Distt- Jahanabad.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. P.K.Verma, Sr.Adv.
Mr. Arvind Kumar, Adv.

For the Respondent/s : Mr. P.K. Sahi, Adv.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)
Date: 05-09-2017

Heard learned senior counsel for the Bihar State Road
Transport Corporation and learned counsel representing the private
respondent.

Despite the prolonged argument which was made by
the learned senior counsel trying to dislodge the findings and the



directions of the learned Single Judge in allowing the writ application, we are not moved by such persuasion to hold that the learned Single Judge was wrong in coming to the conclusion that the order of punishment passed against the private respondent after his superannuation could be protected under Rule 43(b) of the Bihar Pension Rules, when admittedly the Corporation does not go by the provisions of the Bihar Pension Rules. That was the reason why the learned Single Judge quashed the order of punishment, allowed the writ application and made order for payment of salary to the petitioner for the period of his suspension i.e. from 24.06.1996 to 31.12.1998 which also co-incidentally happens to be his date of superannuation.

This Court, however, keeping in mind the financial constraint and status of the Corporation, is willing to waive the direction with regard to payment of interest at the rate of 8% from 01.01.1999 till the date of actual payment. The entitlement, otherwise, is not required to be interfered with. The Corporation cannot innovate and adopt the so-called Rules and Regulations for which there is no provision within the organization on a case to case basis.

The appeal is, otherwise, dismissed except to the extent of grant of interest on the dues.

In view of the order passed today, the entitlement of the private respondent must be settled within a period of three months



from today since the order has been passed in presence of the learned senior counsel for the Bihar State Road Transport Corporation.

(Ajay Kumar Tripathi, J)

Arvind/-

(Rajeev Ranjan Prasad, J)

AFR/NAFR	
CAV DATE	
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