

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1151 of 2014
IN
Civil Writ Jurisdiction Case No. 6872 of 2013**

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Md. Gaus S/o Late Md. Umar Resident of Village - Medani Chauki, P.O. -
Amarpur, P.S. - Suryagarha, District - Lakhisarai.

.... Appellant/s

Versus

1. The Administrator, Bihar State Road Transport Corporation , Pariwahan Bhawan, Birchand Patel Path, Patna - 800001, Bihar.
2. The Financial Advisor-Cum-Chief Account Officer, B.S.R.T.C. Pariwahan Bhawan, Birchand Patel Path, Patna - 800001, Bihar.
3. The Divisional Manager, Bihar State Road Transport Corporation, Tilkamanjhi Bhagalpur, District - Bhagalpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Satya Prakash Sinha, Advocate
For the Respondent/s : Mr. Prabhat Kumar Verma, Sr. Advocate
Mr. Saroj Kumar Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 10-04-2017

Heard learned counsels for the parties.

The objection of the learned senior counsel representing the Bihar State Road Transport Corporation seems to be correct to the extent that it is only after having a look at the counter affidavit and details of payments already authorized or sanctioned, if not paid to the appellant, that the Learned Single Judge opined that only two issues remained. One was difference of salary due to 5th Pay Revision Committee's recommendation, which the Learned Single Judge has held is not payable in terms of the



recommendation of the Three-Member-Committee, set up by the Hon'ble Apex Court and with regard to payment of 5 per cent of CPF, the ball is in the court of the appellant, because he had to give an affidavit that in case any excess amount is paid to him, it can be claimed by the corporation.

Let the appellant still take advantage of the observation and liberty granted by the Learned Single Judge with regard to CPF. Nothing is required to be said with regard to the issue of 5th Pay Revision Committee.

Appeal is otherwise dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
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