IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4208 of 2014

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1. Gopal Dutt Shukla Son Of Late Ram Nath Shukla, Resident Of Village - Bagoara, P.S. Daroando, District - Siwan

.... Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary Government of Bihar, Patna
2. The Bihar State Road Transport Corporation through Its Administrator, Parivahan Bhawan, Birchand Patel Path, Patna
3. The Chief of Administration, B.S.R.T.C. Parivahan Bhawan, Birchand Patel Path, Patna
4. The Chief Account Officer cum Financial Adviser, B.S.R.T.C. Parivahan Bhawan, Birchand Patel Path Patna
5. The Divisional Manager Muzaffarpur Division, B.S.R.T.C. Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Prasad Singh, Adv.
For the Corporation	:	Mr. P. K. Verma, Sr. Adv.
		Mr. Suman Kumar Jha, Adv.
For the State	:	A.C. to SC-18

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 20-02-2017

Initially the writ application was filed for issuance of a direction upon the respondents to pay the post retiral dues to the petitioner. Since certain payments were made during pendency of the writ application, learned counsel for the petitioner submitted that now the petitioner is aggrieved on account of the fact that he has not been paid retirement benefits taking into consideration the recommendations made by the 5th and 6th Pay Revision Commission. He is also aggrieved because of the fact that compound interest has not been calculated over the payments made to him belatedly by the respondent Bihar State Road Transport Corporation (for short ‘the Corporation’).

2. Learned counsel appearing for the Corporation, referring to the averments made in the counter affidavit, submitted that the Corporation is facing acute financial crisis for the last more than three and a half decades and due to indulgence of the Hon’ble Supreme Court in an appeal filed by the State of Bihar bearing C.A. No. 7290 of 1994, a revival package scheme has been implemented in the Corporation with effect from 1^{st} April, 1998, which has been accepted by the State Government and the Employees Unions. Under this revival scheme, to meet the liabilities towards the employees of the Corporation, who had retired/died and are working, necessary funds were to be provided to the Corporation by the State Government in phasewise manner. He submitted that as per order of the Hon’ble Supreme Court and as per availability of funds an equitable decision was to be taken by the Corporation to bring uniformity in payment so that all dead/retired employees must get their dues. He submitted that the 5^{th} and 6^{th} pay revision have not yet been implemented in the Corporation and hence the petitioner is not entitled for the same.

3. I have heard learned counsel for the parties and perused the record.

4. In the supplementary counter affidavit filed on behalf of

respondent no.4, it is stated that total amount of Rs.6,00,703/- under the head Contributory Provident Fund has already been paid to the petitioner vide two cheques bearing Cheque No. 619402 dated 22nd March, 2012 and Cheque No. 582987/- dated 10th July, 2013. It is further stated that Rs.4,81,500/- has been paid to the petitioner through RTGS Memo No. 2724 dated 5th September, 2016 as interest on delayed payment of Contributory Provident Fund. It is further stated that the arrear of salary from November, 2003 to October, 2004 amounting to Rs.28,869/- has been paid to the petitioner vide Cheque No. 020194 dated 20th September, 2012. The total amount of unutilized leave of the petitioner amounting to Rs.94,355/- has been paid to him vide Cheque No. 025076 dated 18th December, 2015 and RTGS Memo No. 3921 dated 6th October, 2016 and the gratuity amount of Rs,19,126/- has been paid to him through RTGS Memo No. 3921 dated 6th October, 2016.

5. The petitioner has filed a rejoinder to the supplementary counter affidavit filed on behalf of the respondents in which he has not denied receiving of the aforesaid payments from the Corporation.

6. Having taken into consideration the facts and circumstances of the case, especially, the financial condition of the Corporation, the relief prayed for by the petitioner in the present writ application cannot be granted. All the admitted dues of the petitioner

have been paid to him with statutory interest. In the opinion of this Court, the petitioner is not justified in claiming compound interest over the amount in question. In view of the fact that no other employee has been given benefits of 5^{th} and 6^{th} pay revision, who retired or died prior to 1^{st} December, 2015, the said relief can also not be granted to the petitioner, as he retired on 31^{st} January, 2012.

7. Accordingly, the writ application is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	22-02-2017
Transmission Date	