IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6619 of 2015

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Md. Zainuddin Ahmad, son of Late Sahadat Hussain, Poddar cum Cashier, Azadnagar, Paliganj, P.O.- Paliganj, District- Patna. .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Transport Department, Vishweraiya Bhawan, Patna.
2. The Bihar State Road Transport Corporation through the Administrator, Birchand Patel Marg, Patna-1.
3. The Administrator, Bihar State Road Transport Corporation, Birchand Patel Marg, Patna-1. .... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Bimlesh Kumar Jha, Advocate
For the Respondent/s : Mr. G.A.- 6

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 19-01-2017

The writ petition has been filed by the petitioner for commanding the respondents to pay the retirement benefits like gratuity, C.P.F. etc..

2. It is contended by the learned counsel for the petitioner that the petitioner, a cashier retired on 30th November, 2009, from Ara Depot of the Bihar State Road Transport Corporation (for short 'Corporation'), but all his post retiral dues were not paid despite several representations filed by the petitioner before the respondents.

3. A counter affidavit has been filed on behalf of the Corporation wherein it is stated that while the petitioner was in service a disciplinary proceeding was initiated against him for misappropriation of Rs.1,34,973/- and on examination of the enquiry report submitted by the enquiry officer, the charges made against him were found true. As the petitioner had already retired, the departmental proceeding was concluded with an order that fifty per cent of misappropriated amount should be deducted from the retiral dues of the petitioner.

4. It is also contended in the counter affidavit that so far as payment of retiral dues of the petitioner is concerned, the petitioner has been paid a total amount of Rs.5,44,076/- under the head contributory provident fund, Rs.73,115/- under the head gratuity, Rs.3,537/- as differential amount of unutilized leave and Rs.70,840/- under the head unutilized leave and no other payment of the petitioner is due against the Corporation.

5. The petitioner has not controverted the aforesaid assertions made in the counter affidavit filed on behalf of the Corporation.

6. On query, learned counsel for the petitioner does not dispute the contentions made in the counter affidavit filed on behalf of the Corporation, but he submitted that in absence of calculation chart having been provided to the petitioner, he is not in a position to say whether or not all admissible post retiral dues has been paid.

7. Regard being had to the contentions made in the counter affidavit, I see no merit in the present application. It is dismissed accordingly.

8. In case, the petitioner has got any other grievance, he may represent before the authorities concerned.

(Ashwani Kumar Singh, J)

Md.S./-

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Transmission Date	