

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15126 of 2013

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1. Jugeshwar Sharma Son Of Late Raghu Nandan Pandey Resident Of
Village- Rampur, Post Office- Balia, Via- Amba, Police Station-
Kutumba, District- Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State Of Bihar, Through Its Secretary, Null Transport Department,
New Secretariat, Bailey Road, Patna
2. The Administrator, Bihar State Road Transport Corporation, Pariwahan
Bhawan, Birchand Patel Marg, Patna-800001
3. The Depot Superintendent, Agrico Depot, Jamshedpur (Jharkhand)
4. The Depot Superintendent, Bihar State Road Transport Corporation,
Jehanabad Depot

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra

For the Respondent/s : Mr. Subhash Pd. Singh

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR
TRIPATHI**
ORAL ORDER

17 21-09-2017

The details of payments of post retirement of the petitioner has been settled, is the stand of the counsel for B.S.R.T.C.. Payment of gratuity and leave encashment has not been made because the petitioner has not furnished the bank details, as where it is required to be credited. Petitioner is free to do so in his own interest at the earliest.

Yet another significant claim of the petitioner in the present writ application is for payment of his salary from the period he was dismissed to the period of his reinstatement that too by virtue of judicial order passed in a writ application which was CWJC No. 10911 of 2000 (P).

Since the order of punishment or dismissal was held



to be null and void, therefore, the petitioner cannot be made to suffer because of such illegal decision of dismissal.

The case which led to his dismissal will vanish. The petitioner would be entitled to the benefit for the period he was dismissed till he was reinstated, which is including his salary and other benefits during that period. The decision or stand of the counsel for B.S.R.T.C. that salary is not payable is required to be rejected. The direction is issued upon the Administrator that he will workout the liability of the Corporation with regard to the salary of the petitioner for the period in question and ensure that payments are made within four months from the date of production of a copy of this order. The petitioner has liberty to bring it to the notice of Administrator by filing of an application before the appropriate authority.

Writ application stands allowed with the observation/direction as above.

(Ajay Kumar Tripathi, J)

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