

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11061 of 2017

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1. Upendra Thakur, S/o Late Ram Prasad Thakur, Resident of Village- Budhauli,
P.S.- Bochaha, District- Muzaffarpur.
2. Pramod Narain Jha, S/o Late Ajab Narain Jha, Resident of village- Panchgama,
P.S.- Rosara, District- Samastipur.

.... Petitioner/s

Versus

1. The Bihar State Road Transport Corporation, Birchand Patel Path, Pariwahan
Bhawan, Patna, Bihar.
2. The Administrator, the Bihar State Road Transport Corporation, Birchand Patel
Path, Pariwahan Bhawan, Patna, Bihar.
3. The Chief of Administration, the Bihar State Road Transport Corporation,
Birchand Patel Path, Pariwahan Bhawan, Patna, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Adv.

For the Respondent/s : Mr. Prabhat Kumar Verma, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 11-01-2018

Heard Mr. Satya Prakash Sinha, learned counsel for the
petitioners and Mr. P.K. Verma learned Senior counsel for the Bihar
State Road Transport Corporation who appears along with Ms. Vijay
Laxmi Srivastava, learned counsel.

The petitioners are aggrieved by the punishment order bearing
Memo No.3872 dated 26.7.2013 whereby the Administrator while
revoking the suspension of the petitioner has imposed a penalty of
recovery of Rs. 30,000/- from each of the petitioner by way of
recovery of the loss caused by the petitioners. The charge framed
against the petitioner is at Annexure-1 series.

The two petitioners herein faced charge at Annexure-1 series
which is for alleged participation in the strike along with other



employees of the Corporation. The charge included closing the main gate of the establishment thus obstructing the movement of the buses of the Corporation. The petitioners filed their reply and the matter went for enquiry but in between an agreement was entered in between the management and the employees, a copy of which is present at Annexure-3 whereby it was agreed that other than cases of sabotage and violence, the other striking employees would not be subjected to disciplinary proceedings. The enquiry report is at Annexure-4 and while accepting the participation of the petitioners in causing obstruction in functioning of the corporation it has recommended for exoneration of the petitioners inter alia on grounds that they did not cause any financial damage to the property of the Corporation.

Mr. Singh learned counsel for the petitioners has invited the attention to the agreement entered in between the management and the petitioners at Annexure-3 to submit that the Corporation themselves have agreed not to subject any of the workers to penal proceedings unless he is found participating in sabotage and violence and since the enquiry report itself exonerates the petitioners on these charges, they could not have been subjected to the penalty.

Mr. Verma contesting the argument has invited the attention of this Court to the allegation to submit that the main charge facing the petitioners is of causing of sabotage which is against the economic interest of the Corporation. He submits that even the agreement at



Annexure-3 does not protect the petitioners because it is allegations other than charge of sabotage and violence which have been condoned but in so far as the issue of sabotage of economic interest of the Corporation is concerned, even the Enquiry Officer has agreed to the participation of the petitioners in obstructing the operation of buses of the Corporation thus causing financial loss and which has been recovered by way of penalty in question.

Having heard learned counsel for the parties and considering the nature of charge as well as the agreement entered in between the parties coupled with the acceptance of the Enquiry Officer regarding the participation of the petitioners in obstruction of the functioning of the buses of the Corporation, which undisputedly has caused financial loss to the Corporation, no infirmity can be found in the punishment order.

The writ petition is dismissed.

Bibhash/-

(Jyoti Saran, J)

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

