

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 13254 of 2002

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Ramjee Sharma, son of Shri Janki Singh, resident of Village – Mujhar, Tola –
Balubigha, Police Station – Haspura, District - Aurangabad

.... Petitioner/s

Versus

- 1 The Managing Director, Bihar State Road Transport Corporation, Beerchand
Patel Marg, Patna
- 2 The Chief of Personnel, Bihar State Road Transport Corporation, Sultan Palace,
Patna
- 3 The Chief of Administration, Bihar State Road Transport Corporation, Sultan
Palace, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Rajeev Roy, Advocate

For the B S R T C : Mr P K Verma, Sr Advocate with
Mr Suman Kumar Jha, Advocate

For the S t a t e : Ms Binita Singh, SC XXVIII with
Mr Sudhanshu Trivedi, AC to SC XXVIII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 15-02-2018

Heard counsel for the petitioner and the respondent-
Corporation.

2 This writ petition has been filed for issuing direction
upon respondents to accept the petitioner's joining as bus conductor in
the respondent-Corporation in view of the Industrial Tribunal's
refusal to grant approval to the order of dismissal dated 10.07.1991
passed by the respondent-Corporation under Section 33 (2) (b) of the
Industrial Disputes Act (for brevity, *the Act*). He further prays that
the respondents may be directed to pay the dues of salary from the
date of dismissal being 10.07.1991.



3 The admitted facts leading to filing of the instant writ petition are that the petitioner was dismissed from service after being subjected to an in-house proceeding. In view of certain general disputes pending before the Industrial Tribunal, the respondent-Corporation considered it appropriate for seeking approval in respect of the said dismissal order by filing an application under Section 33 (2) (b) of the Act. The approval was refused and the Tribunal, by order dated 09th March 1994, had also observed that the departmental enquiry was conducted against the petitioner in most unfair manner and there was clear violation of natural justice and the order of dismissal was on the basis of an enquiry which was not only mala fide but also perverse.

4 Aggrieved by the said order of the Tribunal, the respondent-Corporation approached this Court by filing writ petition being *CWJC No 8030 of 1995*. The same was also disposed of. No relief whatsoever was granted to the respondent-Corporation. In the meantime, writ petitioner had approached this Court by filing a contempt application being *MJC No 965 of 1998*. The same was clubbed along with the cases of other petitioners who had claimed dues against the respondent-Corporation. The contempt application was disposed of by order dated 15.07.1998 with the following observations:



“However, it is needless to say that the Corporation has to clear the dues of the petitioners in the light of the scheme, if any, as decided by the Apex Court and if they still don’t comply the said directions, the petitioners will be at liberty to move an appropriate application for further action against the authorities of the Corporation. However, in the meanwhile, the Corporation shall consider the claim of the petitioners and take final decision and communicate the same to them if not already decided in terms of the directions given by this Court in the connected writ cases.”

5 It appears the aforesaid order passed on the contempt petition takes care of the petitioner’s grievance in so far as the claim of his dues of salary etc is concerned. In so far as his relief for reinstatement or direction that the respondents should accept his joining, it is to be noted that the admitted position is that, in the meantime, the petitioner has attained the age of superannuation on 30th of November, 2008. In view of the aforesaid development, subsequent to filing of the writ petition, the relief, in so far as the petitioner’s joining is concerned, has become infructuous and need not be looked into.

6 The respondent-Corporation has filed a counter affidavit but the same does not disclose as to what steps have been taken pursuant to the direction passed against them for payment of the dues of the petitioner under order dated 15.07.1998 passed in MJC No 965 of 1998. since the direction has already been issued in favour of



the petitioner, this Court would refrain from issuing the same direction again and leave it to the respondent-Corporation to ensure compliance with the said order dated 15.07.1998 passed in *MJC No 965 of 1998*, within a period of eight weeks from the date of receipt/production of a copy of this order. It is made clear that the respondent-Corporation would be obliged to clear the admissible dues of the petitioner in light of the order passed in the contempt proceedings. If the petitioner is not satisfied with the amounts paid, it would be open to the petitioner to avail all the remedies available to him in accordance with law or the liberty granted by this Court while passing the order in the contempt proceedings.

7 Writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.02.2018
Transmission Date	NA

