

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9367 of 2013

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Kanchan Devi, wife of Late Ashok Kumar Singh, Resident Of Village - Kurthol,
P.S. Parsa Bazar, District - Patna

.... Petitioner/s

Versus

1. The Bihar State Road Transport Corporation Through It'S Administrator Chief,
Bihar, Patna
2. The Special Officer (Vi. Ka.), Head Office, Bihar State Road Transport
Corporation, Bihar, Patna
3. The Divisional Manager, Bihar State Road Transport Corporation, Purnea
4. The Depot Superintendent, Bihar State Oad Transport Corporation, Saharsa
Depot. Saharsa

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Yogendra Kr. Singh
For the Respondent/s	:	Mr. P.K. Verma, Sr. Advocate
(BSRTC)		Mr. Saroj Kr. Sharma, Adv.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 25-08-2018

None appears on behalf of the petitioner.

The interlocutory application No.1190 of 2018 has been filed seeking substitution of the petitioner's wife in place of the petitioner. Details of the petitioner's wife and legal heirs of the petitioner have been placed on record in the interlocutory application. The wife, namely, Kanchan Devi is to be substituted in place of the petitioner as per the prayer made in I.A. No.1190 of 2018 which is not objected by the learned counsel appearing on behalf of the Corporation. I.A. No. 1190 of 2018 is allowed. Let Kanchan Devi, wife of deceased original petitioner be substituted in place of petitioner.

The issue which arises for consideration is that though the husband of the newly substituted petitioner has been denied salary for the period 6.10.2008 to 24.09.2012 alleging unauthorized absence but in the proceeding the petitioner



has placed on record some application showing that he was availing leave within the said period. Limited issue, therefore arising for consideration is whether he is to be allowed any salary in respect of the period of leave under applications during the said four year period.

The other post retrial dues have been paid to the petitioner. This writ petition is disposed of with a direction to the respondent no. 1 to take a final decision with reference to the leave applications submitted by the petitioner during the said four year period.

Since the deceased petitioner is no longer alive, consideration has to be restricted to the leave application mentioned in the instant writ proceedings and any other that may be on the records in the office of the Corporation. Let a final decision be taken and communicated to the newly substituted petitioners within a period of eight weeks from the date of production of a copy of this order. If any dues are found payable, needless to say the same may also be done within the aforesaid period.

With the aforesaid observation and direction, this writ application is disposed of.

(Madhuresh Prasad, J)

Sanjeev/Abhijeet-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29/08/2018
Transmission Date	NA

