

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.777 of 2018

Arising out of

Civil Writ Jurisdiction Case No.1059 of 2016

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Braj Kishore Roy, Son of Late Laxmi Narain Roy, R/o At + Post- Patsa, P.S.-
Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Sri Sanjay Kumar Agrawal,
Department of Transport, Bihar, Patna.
2. Sri Sanjay Kumar Agrawal, the Administrator, Bihar State Road Transport
Corporation, Pariwahan Bhawan. Birchand Patel Roat, Patna.
3. Sri Chaudhary Anant Narayan, the Chief of Administration cum Chief
Accounts Officer, Bihar State Road Corporation. Pariwahan Bhawan,
Birchand Patel Road, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Jai Prakash Verma, Advocate
For the State	:	Mr. Rohitabh Das, AC to AAG 10
For the BSRTC	:	Mr. P. K. Verma, Sr. Advocate with Mr. Anil Kumar Verma, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 18-09-2019

Heard learned counsel for the petitioner; learned AC to
AAG 10 for the State and Mr. P. K. Verma, learned senior counsel
along with Mr. Anil Kumar Verma, learned counsel for the Bihar
State Road Transport Corporation (hereinafter referred to as the
'Corporation').

2. The Administrator as well as the Chief Accounts
Officer of the Corporation are also present.

3. Yesterday, show cause had been filed on behalf of the
Corporation bringing on record the order dated 09.09.2019 passed



by the Chief Accounts Officer of the Corporation in the present case in terms of the order of the Court dated 05.05.2016 passed in CWJC No. 1059 of 2016. However, there was a provision made in the order that though the amount of interest for late payment, Rs. 3,05,549/- was found payable but the payment of the same was withheld on account of the petitioner being accused in a criminal case.

4. Learned counsel for the Corporation submitted that the criminal case was with regard to embezzlement and for which departmental proceeding had also been initiated. Learned counsel drew the attention of the Court to the Bihar State Road Transport Corporation Contributory Provident Fund Regulations, 1960 (hereinafter referred to as the 'Regulations') which is applicable in the Corporation and in light of which the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the 'Act') have been excluded. It was further submitted that such exclusion of the provisions of the Act has been upheld by a Division Bench of this Court in CWJC No. 1003 of 1992 by order dated 27.03.1992. Further, learned counsel referred to Regulation 33 (d) which permits the Corporation to reimburse and indemnify itself with respect to Corporation's contribution and interest thereon for any loss caused



or damage due to or occasioned in any manner by any embezzlement and falsification of account, theft or other criminal offence committed by a subscriber or any other act of misconduct.

5. Having considered the matter, the Court does not find any deliberate or willful violation by the authorities of the Corporation of the order dated 05.05.2016 passed in CWJC No. 1059 of 2016.

6. Accordingly, the application stands disposed off.

7. Personal appearance of the officers stands dispensed with.

8. However, it shall be open to the petitioner to move for release of any withheld amount in the event he is exonerated in the criminal case and the departmental proceeding.

(Ahsanuddin Amanullah, J)

Anjani/-

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