

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8722 of 2015

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Ram Prasad Mahto Son of Late Lakhan Mahto, Resident of Village - Babu Barahi, P.O. and P.S. - Babu Barahi, District – Madhubani.

... .. Petitioner/s

Versus

1. The Administrator Bihar State Road Transport Corporation Pariwahan Bhawan and Ors
2. The Chief of Administration, Bihar State Road Transport Corporation, Pariwahan Bhawan, Birchand Patel, Patna
3. The Financial Advisor - cum - Chief Account Officer, Bihar State Road Transport Corporation, Birchand Patel, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Satya Prakash Sinha
For the Respondent/s	:	Mr.Prabhat Kumar Verma
		Mr. Divya Verma

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 17-07-2019 Heard counsel for the petitioner and counsel for the respondents-State.

Petitioner is aggrieved by deduction of Rs 119834/- from his retiral benefit on account of certain objections.

Counsel for the petitioner submits that there is no charge memo in respect of said amount and without giving any opportunity while he was in service and contrary to prescribed procedure as also in violation of principle of natural justice, amount has been deducted from him.

Order of recovery as per stand of respondent-corporation in counter affidavit is in light of certain audit objections. It is specific stand in the counter affidavit that before Audit officer regarding comparative expenditure chart,



petitioner had assured that after receiving comments from establishment superintendent, he would give reply but he chose not to submit any reply.

The said stand of the respondent-corporation has not been disputed or denied, as no rejoinder has been filed on behalf of the petitioner. This court is of the opinion that when the petitioner refused to avail opportunity which was given by the Audit officer, he cannot be permitted to raise issue of violation of principle of natural justice. In this connection, this Court would refer to the decision of the Apex Court in the case of Board of Directors, Himachal Pradesh Transport Corporation & another vs. K.C. Rahi reported in (2008) 11 SCC 502 wherein Apex Court has clearly held that one cannot be permitted to raise issue of violation of principle of natural justice, if opportunity granted to him is not availed.

Having regard to the said provision in law and in view of undisputed fact on record, this court does not find any reason to interfere with deduction.

Writ petition is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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