

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17483 of 2018

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Parmanand Sharma S/o Late Maheshwari Singh, R/o Pant Nagar
Ghugharitarn, Gaya, P.S. Bishnupath, Distt-Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Administrator, Bihar State Road Transport Corporation, Pariwahan
Bhawan, Birchand Patel Marg, P
3. The Chief Accounts Officer Cum Financial Advisor, Bihar State Road
Transport Corporation, Pariwahan

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma
For the Respondent/s : Mr.Sarvesh Kumar -GP24
For Road Transport Corporation: Mr. Saroj Kumar Sharma, Adv.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 21-09-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard the parties.

This writ application has been filed for issuance of an
appropriate writ/writs, order/orders, direction/directions, in the
nature of mandamus/certiorari for quashing of Office order no.
320, memo no. 3551 dated 07-10-2016, whereby and
whereunder the respondent No. 2 has passed order for recovery
of Rs. 1,09,997/- (Rupees one lac nine thousand nine hundred



and ninety seven only) from pay anomaly and post retirement benefits of the petitioner and further prayer for issuance of a writ in the nature of mandamus for commanding and directing to the respondent authorities to pay to the petitioner dues post retirement benefits such as Gratuity, unutilized leave and make payment of the interest at the statutory rate applicable on Contributory Provident Fund (referred to as CPF hereinafter) accumulations calculating upto the preceding month of the upto the date and month of actual payment to the petitioner from the fund made available to Bihar State Road Transport Corporation (referred to as Corporation hereinafter) by the state government in compliance of the direction passed by the Hon'ble Apex Court. And in the light of recent decisions of this Hon'ble Court passed in C.W.J.C. No. 9207 of 2012 disposed of on 21-03-2013 in a case of Sadanand Jha & ors, which was affirmed in L.P.A. No. 1625 of 2013 dated 16-04-2014 by this Hon'ble Court with certain modification that only claims which have earlier attained finality by judicial orders cannot be reopened by virtue of the present order, which has been affirmed by the Hon'ble Apex Court vide Special Leave to Appeal (C) No.(s) 14559 of 2014 dated 7.7.2014 and for the others necessary relief/reliefs for which the petitioner is entitled to in accordance with law.



On behalf of the petitioner, it has been submitted that most of the grievances relating to retiral benefits has already been redressed by the respondents. The petitioner seeks liberty to challenge the recovery by way of filing a separate writ application.

Accordingly, the petitioner is granted liberty to challenge Office Order No. 320 dated 07-10-2016 & Memo No. 2351 dated 12-07-2019 by way of filing a separate writ application as the same relates to a separate cause of action and not from the post retiral benefits.

With the aforesaid observation and direction, the present writ application stands disposed of.

(Sudhir Singh, J)

A.K.V.//-

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