

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Civil Writ Jurisdiction Case No.11807 of 2019**

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Bhup Narayan Pandey S/o Late Paras Nath Pandey, Resident of Village-
Jaitpur, P.S.-Daudpur, District-Saran at Chhapra.

... .. Petitioner

Versus

1. The Bihar State Road Transport Corporation through the Administrator, B.S.R.T.C., Birchand Patel Path, Pariwahan Bhawan, Patna-800001, Bihar.
2. The Chief of Administration, the Bihar State Road Transport Corporation Birchand Patel Path, Pariwahan Bhawan, Patna-800001, Bihar,.
3. The Chief of Account Officer, Bihar State Road Transport Corporation, Birchand Patel Path, Pariwahan Bhawan, Patna. Bihar
4. The Regional Manager, B.S.R.T.C., Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.
For the Respondent/s	:	Mr.Prabhat Kumar Verma, Sr. Advocate
		Ms. Jahan Ara, Advocate
		Mr. Saroj Kumar Sharma, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 24-08-2020 In this case a counter affidavit has been filed on behalf of the Bihar State Road Transport Corporation (hereinafter referred to as the ‘Corporation). In paragraph ‘5’ thereof it is stated that in the Departmental Proceeding conducted against the petitioner final order has been passed by the disciplinary authority vide memo No. 1898 dated 06.06.2019 whereby 90% of gratuity amount and 50% of unutilized earned leave encashment amount have been forfeited by the authority. Annexure ‘A’ to the counter affidavit is the order passed in the disciplinary proceeding. In paragraph ‘6’ and ‘7’ the details of the admitted amount paid to the petitioner



on account of Provident Fund, Earned Leave Encashment and Gratuity have been disclosed.

After filing of the counter affidavit when the matter was taken up on 15.06.2020, learned counsel for the petitioner was not present, hence the case was adjourned. On 30.06.2020 learned counsel for the petitioner appeared and submitted that since the copy of the counter affidavit was not served upon him so he was not aware of the statement made therein. He prayed for a short adjournment to get back to the Court after collecting information from his client. Thereafter, the matter was listed on 06.07.2020 when again learned counsel prayed for three weeks' time to file rejoinder to the counter affidavit. Copy of the counter affidavit has been served upon him.

Today, the Court has been informed by the Bench Officer as well as the Technical Assistant that the link has been sent to Mr. Satya Prakash Sinha, learned Advocate for the petitioner and in fact the Technical Assistant had telephonically talked to him about the link sent to him, still learned counsel neither joined the proceeding nor any prayer for adjournment has been made.

This leads to a reasonable belief in the mind of this Court that the petitioner is not interested in pursuing this matter



as despite several adjournments no rejoinder has been filed on his behalf and learned counsel is not present today.

This writ application is, thus, being disposed of taking note of the statements made in the counter affidavit but with liberty to the petitioner to assail the final order passed in the disciplinary proceeding, if so advised in a duly constituted proceeding and in the said proceeding he will also be at liberty to raise all such issues which may be available to him with regard to payment of other retiral dues.

This writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

