

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19803 of 2011

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1. SADAN KUMAR SINHA and ORS S/O Late Lalita Prasad Resident Of Papraur, P.O. - Papraur, P.S. - Barauni, District - Begusarai, Bihar
 2. Ratneshwar Prasad S/O Rameshwar Prasad Singh Resident Of Village - Bamraha, P.O. - Bamraha, P.S. - Khagaria, District - Khagaria, Bihar
 3. Bhagwan Prasad Late Murlidhar Prasad Resident Of Priya Nagar, P.O. - Sugma, P.S.- Salkhua, District - Saharsa, Bihar
 4. Ganesh Lal S/O Kali Sah Resident Of At - Maranchi, P.S. - Hathidah, District - Patna, Bihar

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR and ORS
2. The Administrator, Bihar State Transport Corporation, Parivahan Bhawan, Veerchand Patel Marg, Patna
3. The Chief Operation Officer, Bihar State Transport Corporation, Parivahan Bhawan, Veerchand Patel M

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Praphull Kumar Sinha
For the Respondent/s : Mr.Gp12

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

9 26-02-2020 This writ application has been filed seeking direction to the respondent- Bihar State Transport Corporation to allow him second time bound promotion and revise his salary and other entitlements accordingly. It is the petitioners' case that some of the juniors have been allowed time bound promotion by the Corporation and despite their representations, the Corporation has not taken any decision on the petitioners' claim. A statement has been made in paragraph 11 of the writ petition



that some of the similarly circumstanced persons have been allowed time bound promotion by an order issued on 23.08.2011, under certain orders of this Court.

2. This writ application was filed in 2011. When the matter was taken up by this Court on 26.11.2018, it was noticed that there was no counter affidavit filed on behalf of the Transport Corporation. This is to be noted that earlier time was allowed on 15.11.2011 for the Corporation to file counter affidavit and at least four adjournments on 20.12.2011, 06.05.2016, 23.05.2017 and finally on 26.11.2018 were granted on request made on behalf of the Corporation for filing counter affidavit.

3. A counter affidavit has now been filed on behalf of the Corporation. There is no denial of any averments made in the writ application. It is, however, stated that the Corporation was facing acute financial crisis and, therefore, the Corporation could not manage funds to pay to the petitioners the benefits of second time bound promotion. It has been specifically stated in paragraph 4 of the counter affidavit that on 20.10.2012 a decision has been taken by the Corporation not to allow any promotion, in view of the acute financial crisis, which the Corporation is facing. It is, however, admitted that the



petitioners are entitled for second time bound promotion. The petitioners appear to have retired as Drivers under the Corporation. They themselves must be in need of money after their superannuation, which they are legally entitled to. The Corporation, which is State within the meaning of Article 12 of the Constitution of India cannot deny legitimate dues of the petitioners.

4. This writ application is, accordingly, disposed of with a direction to respondent No.2, the Administrator, Bihar State Transport Corporation, Patna to ensure that the petitioners are given time bound promotion and consequently payments are allowed to them by the Corporation within three months from the date of receipt/production of a copy of this order.

5. This disposes of the application.

(Chakradhari Sharan Singh, J)

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