

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9970 of 2020

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Kamakhya Narayan Sharma son of Late Radhe Raman Singh resident of
village- Mudava, Police Station- Goh and District- Aurangabad

... .. Petitioner/s

Versus

1. The Divisional Manager, Bihar State Road Transport Corporation, Gaya.
2. The Regional Manager, Bihar State Road Transport Corporation, Gaya
3. The Administrator, Bihar State Road Transport Corporation, Gaya
4. The Chief Accounts Officer, Bihar State Road Transport Corporation, Gaya
5. Assistant Regional Manager, Accounts, Bihar State Road Transport Corporation, Gaya
6. Office Superintendent Bihar State Road Transport Corporation, Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gajendra Kumar Singh, Advocate
For the BSRTC	:	Mr. P.K. Verma, Sr. Advocate
	:	Mr. Suman Kumar Jha, Advocate
For the State	:	Mr. Mahtab Alam, AC to SC-20

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 28-03-2022

Heard learned counsel for the parties.

In the instant petition, petitioner has prayed for the
following relief/reliefs:

*“For issuance of appropriate writ or
writs, order or orders for setting aside the
order dated 08.11.2017 passed by the Chief
Accounts Officer, Bihar State Road
Transport Corporation, Gaya contained in
office order dated- 345 by which it has been*



directed to deduct Rs. 5000/- per month from the salary of the petitioner as during the work of conductor he has deposited less amount for the period of October 2000 to July 2002, which has been communicated to the petitioner vide Memo No. 4091 dated- 08.11.2017 and further the respondent authorities may be directed to return the amount of Rs. 83718/- deducted from the salary of the petitioner in light of the order dated- 08.11.2017 and/or for any other relief or reliefs to which the petitioner may be found entitled to in course of hearing of this writ application.”

On 07.03.2022, the following order was passed:

“Heard learned counsel for the parties.

Counsel for the petitioner is hereby directed to furnish copy of the writ petition to the counsel for the State/respondents, if it is not already served.

Petitioner counsel is hereby directed



to delete first respondent – The State of Bihar through the Secretary, Transport Department, Government of Bihar, Patna. For remaining respondents counsel for the respondents/B.S.R.T.C. accept notice.

The Chief Accounts Officer, Bihar State Road Transport Corporation, Gaya is hereby directed to file an affidavit as to whether the impugned order dated 08.11.2017 is after due notice to the petitioner or not? If it is after due notice to the petitioner, copy of the notice and petitioner's explanation be furnished along with affidavit, failing which, adverse order would be passed.

Re-list this case on 28.03.2022.”

The respondents have fairly admitted that before passing of impugned order dated 08.11.2017, petitioner was not heard in the matter.

Accordingly, petitioner has made out a *prima facie* case on the score that there is violation of principles of natural justice before passing the impugned order dated 08.11.2017.



Hence, impugned order dated 08.11.2017 stands set aside, reserving liberty to the concerned respondent to proceed in accordance with law and complete the proceedings within a period of six months from the date of receipt of this order.

With the above observations, writ petition stands allowed.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.03.2022
Transmission Date	NA

