

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2480 of 2021

Narayan Singh Son of Sri Ramvaran Kumar Resident of Chua Bag, Near
Durga Asthan, P.S. Munger Town and District- Munger

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Transport, Government of Bihar, Patna.
2. The Administrator Bihar State Road Transport Corporation, Pariwahan Bhawan, Patna.
3. Chief of Administration Bihar State Road Transport Corporation, Pariwahan Bhawan, Patna.
4. The Director Vigilance and Security, Bihar State Road Transport Corporation, Pariwahan Bhawan, Patna
5. The Chief Accounts Officer Bihar State Road Transport Corporation, Pariwahan Bhawan, Patna.
6. The Divisional Manager Bhagalpur
7. The Regional Manager Bihar State Road Transport Corporation, Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Braj Nandan Singh, Advocate Mr. Shiv Kumar, Advocate
For the Respondent/s	:	Mr.Lalit Kishore (Ag)

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

Date : 30-03-2022

Heard learned counsel for respective parties.

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

*“For issuance of a writ in
the nature of writ of Mandamus directing the Respondents to pay the the
January petitioner his dues salary
from January 2010 to June 2011 with*



18% quarterly compound interest till the date of payment which has not been paid to him even after about one decade in the name of paucity of fund. And/or pass such other order/ orders as this Hon'ble Court may think fit and proper in the facts and circumstances of the case.”

The grievance of the petitioner is relating to payment of arrears during the intervening period from January, 2010 to June, 2011.

Undisputedly, the petitioner is an employee of the Bihar State Road Transport Corporation and his services were attached/deputed to the Regional Transport Authority, Munger. Question for consideration is who has to pay the salary when the petitioner was on deputation. The borrowing authority, Transport authority was required to pay the salary of the petitioner when he was on deputation during the aforesaid period and not the lending authority corporation. There is no representation before the borrowing authority.

In the absence of representation or demand before the borrowing authority the petitioner is not entitled to claim arrears of salary for the aforesaid period when he was out of control from parent department, therefore, the petitioner has not made out a case. Accordingly, the present petition stands



dismissed reserving liberty to the petitioner to resort appropriate remedy in accordance with law.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

