

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2058 of 2023

Md. Gosh @ Md. Gaus, S/o Late Md. Umar Resident of Village- Medani
Chauki, P.O.- Amarpur, P.S.- Suryagarha, District- Lakhisarai.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Transport Department, Government of Bihar, Patna, Vishveshwaraiya Bhawan, Nehru Path, Patna-1.
2. The Administrator, Bihar State Road Transport Corporation, Pariwahan Bhawan, Birchand Patel Path, Patna, Bihar.
3. The Chief of Administration, the Bihar State Road Transport Corporation, Pariwahan Bhawan, Birchand Patel Path, Patna, Bihar.
4. The Chief Account Officer, the Bihar State Road Transport Corporation, Pariwahan Bhawan, Birchand Patel Path, Patna, Bihar.
5. The Divisional Manager, Tilkamanjhi Division, the Bihar State Road Transport Corporation, Bhagalpur- 842002.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Satya Prakash Sinha, Advocate
For BSRTC	:	Mr. Jainendra Kumar Sinha, Advocate
For the State	:	Mr. Raghwendra Kumar, SC-22

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 10-08-2023

Heard Mr. Satya Prakash Sinha, learned counsel
appearing on behalf of the petitioner; Mr. Jainendra Kumar
Sinha, learned counsel appearing on behalf of Bihar State Road
Transport Corporation and Mr. Raghwendra Kumar, learned SC-
22 for the State.

2. In the present writ petition, the petitioner has
prayed for following relief:

**“1. That this application is for
issuance of an appropriate writ, order or
direction particularly in the nature of writ**



of mandamus commanding the respondent authorities for payment of post retirement benefits such as the amount of gratuity and unutilised leave with interest till actual payment and other consequential benefits, if any, of the petitioner who discharged from his service on October, 2004 from the post of mechanic-C from Bhagalpur under the Bihar State Road Transport Corporation.”

3. Learned counsel appearing on behalf of the petitioner seeks to file a detailed representation for payment of gratuity and unutilised leave as has been paid to the widow of Late Rajnikant Singh vide letter No. 1829, dated 13.02.2021.

4. The Administrator, Bihar State Road Transport Corporation, Bihar (Respondent no.2) is directed to take a conscious decision with respect to the entitlement of the petitioner in accordance with law and also must ensure to consider the benefit, which has been granted to the widow of one employee Late Rajnikant Singh. In case he finds that the case of the petitioner is on different footing then in that case, he may provide opportunity of hearing to the petitioner and assign reason for differing with the case of Late Rajnikant Singh, who has been given the benefit of gratuity and unutilized leave.

5. At this stage, Mr. Jainendra Kumar Sinha,



learned counsel appearing on behalf of Bihar State Road Transport Corporation has raised objection that the present writ petition has been filed after delay of nearly 19 years and on ground of delay and laches this writ petition is not maintainable.

6. Considering the nature of relief prayed for in the writ petition being beneficial in nature in the light of Judgment of Apex Court passed in case of *D.S. Nakara and Others Vs. Union of India* reported in *(1983) 1 SCC 305*. The preliminary objection raised by the learned counsel appearing on behalf of Bihar State Road Transport Corporation is rejected. The Authority concern must proceed to decide the representation of the petitioner in accordance with law within a period of six weeks from the date of filing of representation.

7. With the above observations and directions, the present writ petition stands disposed of.

(Purnendu Singh, J)

manish/minu

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.08.2023
Transmission Date	NA

