

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12545 of 2018

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Jai Nandan Singh S/o Late Raghubir Singh, R/o Mohalla- Shekhpura (Akhara Ghat), P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Transport Commissioner, Government of Bihar, Patna
2. The Bihar State Road Transport Corporation through its Administrator Paribahan Bhawan, Patel Marg, Patna
3. The Administrator, Bihar State Road Transport Corporation, Paribahan Bhawan, Patna Marg, Patna.
4. The Chief Account Officer, Bihar State Road Transport Corporation, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Krishna Kant Singh, Advocate
For the State	:	Mr.Rohitabh Das, AC to AAG 13
For the BSRTC	:	Mr.Lakshmi Kant Tiwary, Advocate
		Mr. Nitesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 03-04-2023 Heard Mr. Krishna Kant Singh, learned counsel appearing on behalf of the petitioner, Mr. Rohitabh Das, learned AC to AAG 13 on behalf of the State and Mr. Lakshmi Kant Tiwary, learned counsel appearing for the Bihar State Road Transport Corporation.

2. learned counsel appearing on behalf of the petitioner informs this Court that all the retiral dues have been paid to the petitioner and the only grievance of the petitioner pending is payment of amount of Rs.49,836/-, which has been withheld on account of alleged defalcation of Rs.1,13,078.78 paise allegedly jointly defalcated by the Cashier, namely, Shiv



Shankar Singh and the petitioner.

3. Learned counsel informs that the Cashier, namely, Shiv Shankar Singh has already deposited the entire defalcated amount during his service period and as such there is no reason to withhold Rs.49,836/- of the petitioner. Even no any departmental proceeding has been initiated against the petitioner for the recovery of said amount.

4. Learned counsel appearing on behalf of the State/Corporation submitted that a detailed counter affidavit has been filed and in paragraph no.8, calculation has been provided in detail. The entire amount of Rs.49,836/- including Rs.29,321/- and Rs.15,985/-, which were dues under different heads, has already been paid to the petitioner.

5. It is admitted fact that no proceeding was initiated for alleged defalcation against the petitioner. The entire amount, as claimed by the respondents, has been deposited by the Cashier, namely, Shiv Shankar Singh whose service book also reveals that he had deposited the defalcated amount during his service period. Law requires that the respondents must deposit the amount recovered from the petitioner in want of any departmental proceeding. The respondents are further directed to pay the statutory interest at the rate of 12 % on the delayed



payment, in light of judgment of the Hon'ble Apex Court passed in the case of **D.D.Tewari Vs. Uttar Haryana Bijli Vitran Nigam Limited and Ors.** reported in **2014 (8) SCC 894** within a period of two weeks from the date of receipt/production of this order.

6. All the remaining legal dues to which the petitioner is entitled must be paid within the aforesaid period. If the petitioner is still aggrieved for non-payment of any retiral dues under any head, the petitioner is at liberty to make his detailed representation before the concerned authority, who will take appropriate action to make payment of admissible dues payable to the petitioner within a period of three weeks of filing of the representation. The respondents must also ensure to pay the interest at the rate of 12 % on account of delayed payment in light of the aforesaid judgment of the Hon'ble Apex Court.

(Purnendu Singh, J)

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