

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16558 of 2021

1. The Bihar State Road Transport Corporation through its Administrator, Pariwahan Bhawan, Patna.
2. The Administrator, BSRTC, Pariwahan Bhawan, Patna.
3. The Chief of Administration, BSRTC, Pariwahan Bhawan Patna.
4. The Divisional Manager, BSRTC, Purnea.
5. The Depot Manager, BSRTC Saharsa.

... .. Petitioner/s

Versus

Md. Fuzlur Rahman S/o Sarfuddin Village Dolme Tola Teethi, P.S.- Sour Bazar, District - Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mukul Sinha, Adv. With Mr. Jainendra Kumar Sinha
For the Respondent/s	:	Mr. Bhola Prasad, Adv. With Mr. Indrajit Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

8 13-03-2023

1. Heard the parties.

2. The petitioners assails the order passed by the Presiding Officer, Labour Court, Purnea dated 02.03.2020, whereby the Court has passed the award.

3. Learned counsel submits that the order is assailed as back wages have been granted.

4. In the opinion of this Court, the Labour Court has only directed to the workman being entitled to get all benefits of service from the Management from the date of termination. Benefit of service does not in any manner mean actual back



wages, as there has to be a separate order for payment of back wages by the Labour Court. In fact, for payment of back wages, Law is very settled. It has to be examined, whether the concerned workman was actually without job for the concerned period and was not earning. These aspects are to be examined in a separate Forum.

5. In view of above, no order is required to be passed and the order passed by the Presiding Officer, Labour Court to the extent of granting service benefits to the workman would be maintained, but actual back wages are not required to be paid.

6. However, wages from the date of passing of the award have to be paid, which is stated to have already been paid.

7. Accordingly, the writ petition stands disposed of.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 28

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