

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2158 of 2022

Nilmani Jha Son of Late Madhusudan Jha (Retired Voucher Checker, Bakipur Depo), Resident of Village- Dayanatpur, P.S.- Bibhutipur, Distt- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Transport, Govt. of Bihar, Patna.
2. The Principal Secretary, Bihar State, Transport Corporation, called B.S.R.T.C., Govt. of Bihar, Patna.
3. The Administrator, Bihar State Road Transport Corporation called B.S.R.T.C., Bihar, Patna.
4. The Chief Administrator, Bihar State Road Transport Corporation Parivahan Bhawan, Virchand Patel Marg, Bihar, Patna.
5. The Divisional Manager (D.M.), Bihar State Road Transport Corporation, Patna Division, Patna.
6. The Depo Superintendent, (D.S.), Bihar State Road Transport, Bankipur, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jyoti Ranjan Jha, Adv.
For the BSRTC	:	Mr. Suman Kumar Jha, Adv.
For the State	:	Mr. Sushil Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 23-07-2024

Heard Mr. Jyoti Ranjan Jha, learned Advocate for the petitioner and Mr. Suman Kumar Jha, learned Advocate for the Bihar State Road Transport Corporation (hereinafter referred to as the ‘Corporation’). The State is represented by Mr. Sushil Kumar Singh, learned Advocate.



2. The present writ petition has been filed seeking a direction upon the respondents Corporation to ensure payment of all the admissible retiral benefits and to fix the pension of the petitioner.

3. Learned Advocate for the petitioner contended that despite his superannuation on 29.02.2016 from the office of the Depot Superintendent, Bankipur, Patna while working as a Voucher Clerk, till date the petitioner has not been accorded his admissible retiral benefits. It is also contended that No Objection Certificate has been issued from all the concerned authorities way back on 02.03.2016. Some of the identically retired employees also approached before this Court by filing other writ petitions and they have been accorded their respective due benefits.

4. Learned Advocate for the Corporation apprised this Court that an FIR vide Gandhi Maidan P.S. Case No. 369 of 2017 was instituted for defalcation of an amount worth Rs.2,94,326/- against the petitioner and five named accused persons. The aforesaid criminal case is still pending. Despite the pendency of the aforesaid criminal case the petitioner has been paid the entire CPF amount including interest over the delayed period to the tune of Rs.8,48,011/- way back in the year 2016



itself. It is also contended that the contribution deducted under the closed family pension scheme after 1988 has been calculated and paid along the interest to the petitioner. In case of any contribution towards family pension scheme is made by the petitioner prior to 1988 will have to be refunded by the EPF Commissioner and for this a claim under Form 10 C has to be made by the petitioner which shall be verified and thereafter it shall be paid to the petitioner.

5. Considering the limited grievance of the petitioner, this Court thinks it proper to dispose of the writ petition with a direction to the petitioner to file a proper representation before the Administrator, Bihar State Road Transport Corporation along with all particulars relating to his appointment, posting and retirement. In case such representation is filed the respondent no. 3 shall consider the claim of the petitioner and pass a reasoned order taking into consideration the order passed by this Court in identical matter on which the petitioner is placing reliance. Suffice to say, if any claim of the petitioner finds favour, the concerned respondent shall ensure payment of the same along with the admissible statutory interest within a further period of eight weeks from the date of filing of such representation.



6. Accordingly, the present writ petition stands disposed
of with the aforesaid observations and directions.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	25.07.2024
Transmission Date	

