

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3987 of 2022

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Jib Kant Roy, Son of Sri Choudhary Bhogendra Narayan Roy, Resident of
Village- Batho, P.S. - Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Respondent/s : Ms. Vijaya Laxmi Srivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 13-08-2024

Heard Mr. Pramod Mishra, learned Advocate for the petitioner and Ms. Vijaya Laxmi Srivastava, learned Advocate for the Bihar State Road Transport Corporation.

2. The petitioner superannuated on 31.10.2018 from the post of Traffic Clerk, Bihar State Road Transport Corporation (hereinafter referred to as 'the Corporation') has invoked the jurisdiction of this Court seeking a direction upon the respondents to ensure payment of all his service benefits, including difference of salary accrued on account of revision of pay, amount of CPF, monetary benefits of time bound



promotion, amount of family pension deducted from GPF account etc.

3. Learned Advocate for the Corporation referring to the averments made in the counter affidavit submitted that all the admissible dues have been paid to the petitioner. So far the time bound promotion is concerned, in the light of the judgment passed by the Hon'ble Supreme Court in Civil Appeal No.7290 of 1994 (**State of Bihar Vs. Surajdeo Singh & Others**), the Hon'ble Supreme Court proposed the revival package for revival of corporation, for that Arbitration Committee was constituted. However, the Committee resolved that the Corporation is financially weak, hence the Corporation is not in a position to clear the dues of the employees from its own resources. It is further contended that in the light of the decision taken by the Arbitration Committee, the petitioner is not entitled for revised pay scale since 1981.

4. It is next contended that so far the difference of salary for the period 1989 to August 2009 is concerned, the same has been paid along with interest. The petitioner has also been allowed the dearness allowance for the period 1991 to December, 1997 after adding the same to the provident fund and the interest has already been paid till March, 2017. The final payment of provident fund has been paid along with interest till



March, 2021 to the tune of Rs.2,75,932/-. It is further contended that the petitioner is not entitled for 5th and 6th revised pay scale, as the Corporation has not paid any amount to any of its employee. The petitioner has also been paid an amount of Rs.86,028/- in the light of Office Order No.184 dated 24.09.2021, the copy of which has been marked as Annexure-B to the counter affidavit.

5. Adverting to the aforesaid facts, thus, learned Advocate for the Corporation submitted that now all the admissible dues of the petitioner has been paid.

6. At this juncture, learned Advocate for the petitioner contended that the facts and the averments made in the counter affidavit is still required to be verified.

7. In view of the submissions advanced on behalf of the respective parties, the writ petition stands disposed of.

8. Suffice it to say that if the petitioner has still any grievance, he has remedy to approach the concerned authority by filing appropriate application.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.08.2024
Transmission Date	NA

