

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22235 of 2012

- 1.1. Shanti Devi, Wife of late Shyam Babu, Resident of Paschim Darwaza, Nawab Bahadur Road, Jaggi Ka Chauraha, Near Pani Tanki, P.O. Jhauganj, P.S. Patna City, District- Patna- 800008.
- 1.2. Sunita Kumari, D/o of late Shyam Babu, Resident of Paschim Darwaza, Nawab Bahadur Road, Jaggi Ka Chauraha, Near Pani Tanki, P.O. Jhauganj, P.S. Patna City, District- Patna- 800008.
- 1.3. Amar Nath @ Amar Kumar Azad, Son of late Shyam Babu, Resident of Paschim Darwaza, Nawab Bahadur Road, Jaggi Ka Chauraha, Near Pani Tanki, P.O. Jhauganj, P.S. Patna City, District- Patna- 800008.

... .. Petitioner/s

Versus

1. Bihar State Road Transport Corp.andors Birchand Patel Marg, Patna Through Administrator
2. The Administrator, Bihar State Road Transport Corporation, Birchand Patel Marg, Patna
3. The Divisional Manager, Patna Division, Bihar State Road Transport Corporation, Bankipur, Patna
4. The Chief Accounts Officer, Bihar State Road Transport Corporation, Birchand Patel Marg, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Suman Kumar Jha, Advocate
For the Respondent/s	:	Mr. Prabhat Kumar Verma, Sr. Advocate Mr. Jainendra Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 09-09-2024 Heard Mr. Suman Kumar Jha, learned counsel appearing on behalf of the petitioners and Mr. Prabhat Kumar Verma, learned senior counsel assisted by Mr. Jainendra Kumar Sinha, learned counsel for the respondent/s.

2. The petitioner in paragraph no. 1 of the present writ petition has sought *inter alia* following relief(s), which is reproduced hereinafter:



"a. To quash the order contained in memo no.3363, dt. 24.05.2010, whereby the Administrator who is in fact the Appellate Authority himself passed the order of penalty of dismissal thereby denying the statutory right of appeal to the petitioner.

b. Also to quash the order contained in memo no.335, dt.19.1.2011 whereby the Administrator again himself become the appellate authority and reviewed his own order and himself rejected the appeal of the petitioner which is without jurisdiction and against all cannon of justice because the appeal was filed taking example of one Sri Jwala Pd Ambashtha, an employee of the BSRTC whose appeal was decided by the State of Bihar; therefore the review order is also fit to be set aside because the petitioner has been denied the opportunity of statutory appeal.

c. Further for direction to the respondents to pay his entire due amount legally payable to the petitioner wef the date of his dismissal i.e. 24.5.10.

d. For any other relief/reliefs for which the petitioner is entitled to."

3. During the pendency of the present writ petition, the sole petitioner died on 09.07.2022 and the legal representatives/ heirs of the sole petitioner were substituted in his place.

4. Mr. Suman Kumar Jha, learned counsel appearing on behalf of the petitioners submitted that substituted petitioners is the widow, daughter and son of the deceased employee, namely, Shyam Babu, and considering the objection raised by the respondents that the appropriate forum to avail remedy in accordance with the Industrial Dispute Act, 1947 would be impracticable considering the fact that the even according to the dismissal order dated 24.05.2010 contained in Memo No. 3363, which contains that the deceased employee was entitled for all the admissible dues, the petitioner being the wife of the



deceased employee, seeks liberty to file detailed representation before the Administrator for considering her grievance in light of the impugned order of dismissal contained in Memo No. 3363 dated 24.05.2010.

5. Mr. Jainendra Kumar Sinha, learned counsel appearing on behalf of the respondent/s has taken technical plea that the present writ petition is not maintainable as the petitioners have remedy under the Industrial Dispute Act, 1947 as amended up-to-date.

6. Considering the fact that the petitioners have only prayed for limited relief that at least petitioner no. 1 being the widow of the deceased employee and having faced financial constrain, she is entitled for terminal benefits to which she is entitled for and in this regard, she desires to file a detailed representation before the Administrator, I don't find that in view of the penalty order dated 24.05.2010 contained in Memo No. 3363, the Administrator will object to redress the grievance of the petitioner, so far as, her entitlement in respect of the dues payable to the deceased employee is concerned and will dispose of the representation filed on behalf of the petitioners expeditiously considering the fact that the writ petition is pending since the year 2012.



7. So far as, the challenge in the present writ petition is concerned, the petitioners may avail appropriate remedy in accordance with law for quashing of the penalty order dated 24.05.2010 contained in Memo No. 3363 and consequential order of Appeal dated 19.01.2011 contained in Memo No. 335.

8. With above observations/directions, the present writ petition is disposed of.

(Purnendu Singh, J)

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