

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1630 of 2019

In
Civil Writ Jurisdiction Case No.2336 of 2012

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Gopal Datt Shukla, Son of Late Ram Nath Shukla, Resident of Village-
Bagaura, P.S.- Daraunda, District- Siwan.

... .. Appellant.

Versus

1. The Bihar State Road Transport Corporation through it's administrator,
Parivahan Bhawan, Beer Chand Patel Path, Patna.
2. The Chief Account Officer, Parivahan Bhawan, Beer Chand Patel Path,
Patna.

... .. Respondents.

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Appearance :

For the Appellant	:	Mr. V.R.P. Singh, Advocate. Mr. Arvind Kumar Singh, Advocate.
For the Respondents	:	Mr. P.K. Verma, Senior Advocate. Mr. Arvind Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 05-07-2024

Pursuant to our previous order, counter affidavit has
been filed on behalf of the Respondents-Corporation dated
20.06.2024. It is supported by Annexures-R/1 to R/3.
Paragraphs-4 and 6 of the said counter affidavit read as under:

“4. That, the aforesaid averment with
regard to the salary of the
petitioner/appellant from May 1995 to
Nov 1995, it may be respectfully
submitted that the same was made by
various cheques issued until 1998, the
details whereof is enumerated in form a
chart.

6. That, it is relevant to submit that the
salary of the appellant for the month of



November 1995 was initially paid by cheque bearing no.635851 issued on 13.06.1998 for Rs.1820.25 as per bills prepared in 1998 itself. However, the same was refused and not accepted by the appellant and therefore later on another cheque bearing no.523483 dated 30.12.2006 was issued which was again refused by the appellant. Again after after cancellation another cheque was issued bearing no.969139 dated 16.02.2012 for the same amount of Rs.2820/- towards this salary dues for the month of November 1995 sent to the appellants residence through a special messenger Sri Ram Babu Singh, but again it was refused by the appellant. This fact was also taken note of by the Hon'ble Single bench of this Hon'ble Court vide order dated 18.11.2019 passed in CWJC No.2336 of 2012 and direction was given for issuing it again. In compliance the same was again issued vide cheque no.783333 dated 18.03.2020 but the appellant again refused to accept. Thereafter the said amount was transferred directly in the Bank account of the appellant through RTGS on 02.03.2021."

2. Respondents have produced unnecessary documents which are not relevant for the purpose of deciding the present case, for example, Annexure-R/2 is for the period from 1996 to 1999, whereas the core issue involved in the present lis is in respect of non-payment of salary to the appellant for the month of November, 1995.

3. Be that as it may, having regard to the conduct of



the appellant, which is evident from paragraph-6 of the counter affidavit, it is evident that appellant has not apprised this Court to the extent of contents of paragraph-6. On the other hand, learned counsel for the appellant submitted that contents of paragraph-6 has not been made available to the appellant. In this regard, roving inquiry cannot be undertaken by this Court for a trivial issue of non-payment of salary for a particular month at the earliest point of time. Moreover, the grievance of the appellant relates back to the year 1995, whereas writ petition was filed in the year 2012. As on today, the appellant has not disputed that salary has not been paid for the month of November, 1995.

4. Taking note of these facts and circumstances, the present L.P.A. stands disposed of as it has become infructuous.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

P.S./-Durgesh

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2024.
Transmission Date	NA

