

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10968 of 2016

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Santosh Kumar Dubey Son of Late Lalan Dubey, Resident of Village -
Chilbiliya, P.O. - Lahari Tiwaridih, P.S. - Piro, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary State Transport Department Government of Bihar, Patna.
3. The Administrator Bihar State Road Transport Corporation Patna.
4. The Commissioner/Manager Bihar State Road Transport Corporation Patna.
5. The Divisional Manager, Bihar State Road Transport Corporation Patna
Division Patna.
6. The Manager Bihar State Road Transport Corporation Bus Dipo Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Maya Shankar Mishra, Adv.
For the Respondent/s : Mr. Madhukar Krishna Sinha, SC1

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 15-07-2025

Heard learned counsel for the petitioner and

learned counsel for the State.

I.A. No.01 of 2025

2. Counsel for the petitioner submits that during
pendency of the writ petition, the petitioner died leaving behind
his two sons, namely, Umesh Dubey and Santosh Kr. Dubey. He
further submits that Umesh Dubey has sworn an affidavit
before the Notary Public that time bound promotion of his father
may be given to his younger brother in which he has no
objection, and therefore, only younger brother, namely, Santosh
Kr. Dubey has filed *vakalatnama* and requested to make



payment to his younger brother.

3. Counsel for the State and Road Transport Corporation are present and submit that for the purpose of substitution, they have no objection for the same and the present I.A. No.01 of 2025 may be allowed.

4. After hearing the parties, this Court is of the opinion that for the purpose of substitution and to conduct the case, the representation of Santosh Kr. Dubey is hereby accepted. But so far as the payment of benefits are concerned, an affidavit before Notary Public is not sufficient, but only for the purpose of substitution, the present I.A. No.01 of 2025 is hereby allowed.

5. Office is directed to substitute the name of the petitioner by his son, namely, Santosh Kr. Dubey who filed vakalatnama, in the writ petition as well as in the cause title in course of the day.

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6. Counsel for the petitioner submits that the present writ application has been filed by the father of the petitioner to grant first and second time bound promotion and further to give all legal consequential benefits arising out of the said promotion and to pay other dues and salary.



7. Counsel further submits that the demand of GPF has been made in the writ petition, but the said GPF amount has been paid to him and therefore, he is not inclined to demand GPF amount.

8. Counsel for the Road Transport Corporation submits that there is clear cut stand taken by the Corporation that under the severe financial crunch, the Corporation is at the verge of closing at one point of time, but by the order of Hon'ble Supreme Court of India, revival took place. He further submits that when the State Government provides adequate fund for clearing the liability of retiral dues and salary of the employee of the Corporation then only, money would be paid. But he further submits that the petitioner, in the meantime, may file a representation so that his representation may be kept pending before the Corporation.

9. In the light of the submissions made by the Corporation, it transpires to this Court that due to financial crunch, Corporation is not in a position to pay the dues and hence, the present writ petition is hereby disposed off directing the petitioner to file his representation before the Bihar State Road Transport Corporation and the Corporation shall keep pending his representation till the State Government shall not



provide finance.

10. With the aforesaid observations, the present writ application stands disposed off.

(Dr. Anshuman, J.)

Prakashmani/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

