

(2020) 08 PAT CK 0062

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 23501 Of 2018

Usha Devi

APPELLANT

Vs

Administrator, The Bihar State
Road Transport Corporation And
Ors

RESPONDENT

Date of Decision: Aug. 27, 2020

Hon'ble Judges: Vikash Jain, J

Bench: Single Bench

Advocate: Satya Prakash Sinha

Final Decision: Disposed Of

Judgement

1. Heard learned counsel for the petitioner through video conference.
2. The present writ petition has been filed for payment of retiral dues of the petitioner's husband.
3. Learned counsel for the petitioner submits that the petitioner's husband, late Harendra Nath Jha, retired on 30.09.1993 from the post of Driver under the Bihar State Road Transport Corporation (BSRTC). In view of non-payment of his retiral benefits, he filed CWJC No. 11726 of 2001 during his lifetime, which was disposed of on 26.09.2001 with a direction that the admitted dues shall be paid by the respondent-Corporation in chronological seniority of claims and upon funds being available. Thereafter, the petitioner's husband died on 23.01.2004. It is submitted that despite the order of the Hon'ble Court in CWJC No. 11726 of 2001, the retiral dues of the petitioner's husband have yet to be paid. During his lifetime, the petitioner's husband had also filed a representation before the Administrator BSRTC, but to no avail.

4. None appears on behalf of the respondent - BSRTC when the matter is called.

5. This Court takes note of the inordinate delay by the petitioner in approaching this Court in the year 2018 inasmuch as the aforesaid order in CWJC

No. 11726 of 2001 was passed as far back as in the year 2001, the petitioner's husband had filed a representation, and he died in the year 2004.

As such, the petitioner does not appear to have taken any action for 14 years thereafter.

6. Be that as it may and having regard to the nature of grievance of the petitioner this Court is of the view that without going into the detailed merits of

the matter, it will suffice at this stage if the petitioner is granted liberty to approach the Administrator, the Bihar State Road Transport Corporation,

Patna, Bihar (Respondent No. 1) with a fresh representation for redressal of her grievances, furnishing therewith her mobile number and e-mail ID. If

any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of on its own merits in

accordance with law after grant of an opportunity of hearing to the petitioner ensuring payment to the extent found due to the petitioner within a period

of eight weeks from the date of receiving the petitioner's representation. In case the petitioner's claim is found inadmissible, whether in whole

or in part, the petitioner's representation shall be disposed of by a speaking order in that regard.

7. It is also made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the parties may be made through email and that

the concerned authority shall be at liberty to hear the petitioner through video conference.

8. The writ petition stands disposed of with the aforesaid directions.