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Ram Krishna Prasad Singh Vs Administrator, Bihar State Road Transport Corporation and Another

Writ Petition (S) No. 2521 of 2005

Court: Jharkhand High Court

Date of Decision: July 12, 2011

Acts Referred:
Bihar Service Code, 1952 â€" Rule 74

Hon'ble Judges: Narendra Nath Tiwari, J

Bench: Single Bench

Judgement

Narendra Nath Tiwari, J.
The grievance of the Petitioner is that he has been compulsorily retired by the Respondents on imputing

allegation that there is no utility of his service to the Bihar State Road Transport Corporation (for short Corporation). The said order amounts to

awarding punishment without initiating any departmental proceeding and without giving any opportunity of hearing to the Petitioner.

2. Learned Counsel appearing on behalf of the Respondents submitted that the order has been passed under the provisions of Rule 74(b)(ii) of the

Bihar Service Code, which is applicable for the employees of the Corporation and the order is innocuous and is retirement simpliciter under the

said provision and there is no illegality or arbitrariness in the said order. I have heard learned Counsel for the parties. Perused the impugned order.

3. I find that by he said order, the Petitioner has been compulsorily retired in exercise of power under Rule 74(b)(ii) of the Bihar Service Code,

which is admittedly applicable on the employees of the Corporation. The order only shows that on scrutiny of his performance, it was found that

there is no utility of his service. No charge has been alleged against the Petitioner. Since the Petitioner is aged more than 50 years and the

Corporation has jurisdiction to pass order under Rule 74(b)(ii) of the Service Code, I find no arbitrariness or illegality in the impugned order.

4. In course of hearing, learned Counsel for the Petitioner submitted that though the Petitioner has been made to retire by the said order, retiral

dues have not been paid to him till date.

5. If the Petitioner has any grievance against nonpayment of the retiral dues, he is at liberty to file representation before the competent authority

regarding the said grievance.

6. If such representation is filed, the appropriate authority shall consider the same and pass reasoned order within a period of six weeks from the

date of receipt of the representation.

7. This writ petition is, accordingly, disposed of with the aforesaid observations and directions.