

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11927 of 2012

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Arun Kumar Jha Son of Late Yogendra Nath Jha, Resident of Mohalla Lohia Nagar, P.S. Kankarbagh, District Patna.

.... Petitioner/s

Versus

1. The Bihar State Food and Civil Supply Corporation Limited through its Chairman-cum-Managing Director, Sone Bhawan, 5th Floor, Birchand Patel Path, Patna-1.
2. The Managing Director, Bihar State Food and Civil Supply Corporation Limited, Sone Bhawan, 5th Floor, Birchand Patel Path, Patna-1.
3. The Regional Provident Fund Commissioner, Employees Provident Fund Organization, Patna.
4. The Assistant Commissioner, Employees Provident Fund Organization, Muzaffarpur.
5. The Accounts Officer, Sub Regional Office, Employees Provident Fund Organization, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sushil Kumar Jha, Advocate.
For the Respondents No. 1 & 2	:	Mr. R. S. Pradhan, Sr. Adv. & Mr. A. N. Rai, Advocate.
For the Respondents No. 3 to 5	:	Mr. Jai Prakash Verma, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 15-12-2015

Heard learned counsel for the parties.

The only dispute which remains to be adjudicated pertains to payment of gratuity, which according to the petitioner should be considered with an upper ceiling of Rs. 3,50,000/- and according to the respondents up to a limit of Rs. 2,50,000/-.

From the pleadings and submissions of learned counsel, it appears that because the Corporation has taken a decision to pay enhanced gratuity only as per its Resolution with effect from 03.07.2008 and the petitioner having superannuated on 30.09.2007, such benefit is not accruable to him whereas on

the other hand, learned counsel for the petitioner has submitted that payment has been made under the Payment of Gratuity Act, 1972 and the amount having been enhanced to Rs. 3,50,000/- with effect from the year 1997, the petitioner is also entitled to such payment irrespective of any Resolution or adoption by the respondent Corporation.

After having considered the rival submissions, the Court is in agreement with the submissions of learned counsel for the petitioner. Payment being made under the Payment of Gratuity Act, 1972, is not subject to any formal adoption by any Corporation or Organization which comes under the purview of the said Act. Once in the Act through an amendment, the upper ceiling of Rs. 2,50,000/- was enhanced to Rs. 3,50,000/-, employees covered by the Act, including the petitioner, would be entitled to the upper ceiling of Rs. 3,50,000/-.

As far as payment of E.P.F. is concerned, the petitioner shall have liberty to file a representation before the respondents no 3 and 4, if there is any discrepancy either in the calculation or with regard to any payment having not been made for specified periods. If such a representation is filed within four weeks from today along with a copy of this order, the same shall be looked into by the officer concerned and appropriate order passed in accordance with law. If any payment is required to be made to the petitioner, the same shall also be paid within the next three weeks.

Accordingly, the writ petition stands disposed off with a direction to the respondent no. 1 to make payment of gratuity to the petitioner in accordance with the amended upper ceiling of Rs. 3,50,000/-. Any payment required to be made pursuant to such re-calculation be made to the petitioner within four weeks from the date of production of a copy of this order before the respondent no. 2.

(Ahsanuddin Amanullah, J.)

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