

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 181 of 2015

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Md. Zeyaur Rahman, Son of Late Noorul Ambeya, Resident of Mohalla-Mithanpura, P.S- Mithanpura, District – Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Industries, Government of Bihar, Patna.
3. The Under Secretary, Department of Industries, Government of Bihar, Patna.
4. The Chairman, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna.
5. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna.
6. The Secretary, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna.
7. The Executive Director, Regional Office, Bihar Industrial Area Development Authority, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent No. 5 : Mr. Girijes Kumar, Advocate.
(BIADA)

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 23-11-2015

Heard learned counsel for the parties.

The issue involved in the present case is limited as to whether the petitioner, who superannuated on 28.02.2014 is entitled to receive Rs. 10,00,000/- as gratuity under The Payment of Gratuity Act, 1972 (hereinafter referred to as the 'Act') as amended in the year 2010 or only a sum of Rs. 3,50,000/- which has been paid to him.

Learned counsel for the petitioner submits that though initially the upper limit was Rs. 3,50,000/- and later by the amendment in the Act in the year 2010 the amount was enhanced to Rs. 10,00,000/-. It is submitted that the petitioner

has been found entitled to gratuity of Rs. 9,50,971/-. It is submitted that the Act also stipulates such payment to be made within 30 days, failing which it is to carry interest.

Learned counsel for the BIADA submits that in view of the statutory provision, they are not in a position to dispute the claim of the petitioner for payment of gratuity up to a ceiling of Rs.10,00,000/-. However, taking into account the financial constraint, the Court may grant time for making payment of the remaining amount.

Considering the aforesaid stand of the respective parties, the writ application stands disposed off with a direction to the respondent BIADA to ensure that the remaining amount of gratuity to the petitioner as per the enhanced upper ceiling of Rs. 10,00,000/- is paid to him latest by 31st August, 2016 along with statutory interest either in a single transaction or installments.

(Ahsanuddin Amanullah, J.)

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