

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8804 of 2010

=====

Bijeshwar Prasad Yadav S/O Late Babulal Prasad Yadav R/O Vill.-
Muktapur, P.S.- Kalyanpur, Distt.- Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Govt. Of Bihar, Patna
2. The Secretary, Urban Development Department, Govt. Of Bihar, Patna
3. The District Magistrate, Samastipur
4. The Samastipur Municipality (Nagar Parishad), Samastipur through Its Executive Officer
5. The Executive Officer, Samastipur Municipality (Nagar Parishad), Samastipur

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Abhay Shanker Singh, Advocate.

For the Respondent/s : Mr. (GP-2)

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

11 05-05-2015

Heard learned counsel for the parties.

2. Pursuant to the earlier order of this Court dated 19.01.2015, learned counsel for the Samastipur Municipality (Nagar Parishad), has submitted that a decision has been taken for making payment of the amount of gratuity on the last salary drawn by the petitioner, subject to his giving an undertaking that in the event the State Government does not sanction the benefits of 5th Pay Revision Committee to the employees of the Municipality, the petitioner will be under obligation to return the enhanced amount of gratuity.

3. Mr. Abhay Shankar Singh, learned counsel for the petitioner, has informed this Court that the petitioner is seriously ill and, in fact, was earlier paralysed but now he can give thumb impression in token of such undertaking.

4. That being so, let payment of the enhanced amount of gratuity, on the basis of last salary drawn by the petitioner, be made on giving an undertaking by the petitioner and for this purpose, some employees of the Municipality may go to the house of the petitioner and obtain thumb impression in presence of two independent witnesses. Such undertaking of the petitioner of receiving the amount, in the event the State Government does not sanction the pay scale of 5th Pay Revision Committee for the employees of the Municipality, will be recoverable from the petitioner however will be given effect to only when a categorical decision is taken by the State Government not to sanction such amount for any of the person in the category of the petitioner, namely, the retired employees, who were being paid their salary by Municipality in the revised pay scale of 5th Pay Revision Committee report.

5. This Court hopes and believes that this exercise shall be completed within a period of three months from the date of receipt of a copy of this order by all concerned.

6. With the aforementioned observation and direction, this writ application is disposed of.

(Mihir Kumar Jha, J)

Sujit/-

U			
---	--	--	--