

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13418 of 2012

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Sri Niwas Prasad Son Of Late Mangal Prasad Resident Of Village - Sirwar,
Post Office - Naubatpur, Police Station - Naubatpur, District - Patna

.... Petitioner

Versus

1. The State Of Bihar
2. The Secretary, Rural Development Department, Govt. Of Bihar, Patna
3. The Deputy Secretary, Rural Development Department, Govt. Of Bihar, Patna
4. The Officer On Special Duty , Rural Development Department, Govt. Of Bihar, Patna
5. The District Rural Development Agency, Purnea, Through Deputy Development Commissioner-Cum-Chief Executive Officer, District Rural Development Agency, Purnea
6. Deputy Development Commissioner-Cum-Chief Executive Officer, District Rural Development Agency, Purnea
7. The Director, Accounts Administration And Self Emploment , District Rural Development Agency, Purnea Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Respondent/s : Mr. Jawahar Pd. Karn, AAG4

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

4 05-02-2016 Heard learned counsel for the parties.

The petitioner seeks quashing of order dated 18.5.2012 (Annexure 7) passed by respondent no.5 by which his application for payment of gratuity has been rejected. He further seeks quashing of memo dated 25.10.2010 (Annexure 8) by which it has been held that the gratuity is not payable to the directly recruited employees of District Rural Development Agency (herein after referred to as the DRDA). The petitioner earlier filed C.W.J.C.No. 1349 of 2012 which was disposed of on 28.3.2012 with liberty to the petitioner to file a



representation before the District Development Commissioner cum Chief Executive Officer, DRDA, Purnea (respondent no.6) to take appropriate decision in accordance with law with two months. Pursuant to the order, the petitioner filed representation dated 10.4.2012 which was rejected by respondent no.6 vide impugned order dated 18.5.2012 (Annexure 7).

State counsel while referring to Annexure 8, submits that according to respondent no.6, the DRDA is a society registered under the Societies Registration Act. As per paragraph 4.2 of the guidelines of DRDA(Administration) issued by the Government of India, service of employees of DRDA is not permanent in nature and all the posts existing here are temporary. Employees of the Society would not be entitled to pension until the same is so notified under Rule 58 of the Bihar Pension Rules. The employees of the DRDA receive the benefit of CPF, and as such pension and gratuity would not be paid. In support of this decision, respondent no.6 has relied upon Memo no. 12498 dated 25.10.2010 of the Rural Development Department, Bihar.

Petitioner has challenged the impugned order on the ground that respondent no.6 has fixed the gratuity with pension. Furthermore, he has not considered the guidelines annexed to

letter dated 10.1.1991 which provides for death cum gratuity for the employees. He next submits that some of the employees of different districts have been granted gratuity. The petitioner also submits that though the CPF is payable, pension may not be paid but the same time payment of gratuity is not excluded.

It appears that the issues of the petitioner needs to be addressed by the Secretary, Rural Development Department for which the petitioner would file a representation, which would be disposed of by the former within three months from the date of receipt of a copy of this order.

The writ petition is thus disposed of.

(Samarendra Pratap Singh, J)

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