

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.584 of 2015

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Md. Ibrar Alam Son of Late Md. Umar, Resident of village/Mohalla - Khasganj,
P.S. Sohsarai, District – Nalanda

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary Rural Department Government of Bihar, Patna.
2. The District Rural Agency Nalanda through its Executive officer cum Deputy Development Commissioner, Nalanda.

.... Respondents

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Appearance :

For the Petitioner/s : Md. Nasseem Mokhtar, Advocate
Md. Asif Kalim, Advocate

For the Respondent/s : Mr. Kameshwar Kumar, G.P.17
Mr. S. K. Ranjan, J. C. to G.P.17

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 24-11-2016

The present writ application has been filed by the petitioner for issuance of a direction to the respondent no. 2 to pay the gratuity amount to the petitioner.

2. The petitioner, a Head Assistant of District Rural Development Agency, Nalanda retired on 28.02.2013 on

attaining the age of superannuation. It is not in dispute that on retirement all the post retiral benefit, except the gratuity amount, has been paid to him.

3. The contention of the petitioner is that the employees of the District Rural Development Agency are entitled to payment of gratuity.

4. In reply, the learned counsel for the State has submitted that the District Rural Development Agency, Nalanda (for short 'Agency') is a Registered Agency under the Societies Registration Act of the State of Bihar. The employees of the agency are not of equal status to that of employees of the State Government. There is no provision for payment of gratuity and pension to the employees of the Agency. Hence, the claim of the petitioner for payment of gratuity is not maintainable.

5. I have heard respective counsel for the parties and perused the record.

6. The Agency comes under a special scheme. It is a self-administered society registered under the Societies Registration Act, 1860. The employees of the agency are appointed under the provision of the same. They are getting benefit of Contributory Provident Fund. The State has taken a definite stand

that they are not covered under the payment of Gratuity Act, 1972.

The petitioner has failed to produce any provision under which an employee of the agency is entitled to receive gratuity.

7. In that view of the matter, I see no merit in this application. It is dismissed accordingly.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	25.11.2016
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