

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8221 of 2015

=====

1. Satyendra Kumar, Son of late Raj Narayan Kumar, Resident of C/4, Madhav Block, Devki Dham Apartment, West Boring Canal Road, P.S.- Sri Krishnapuri, District- Patna

.... Petitioner/s

Versus

1. The Chairman, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna
2. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna
3. The Secretary, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Prashant Sinha

For the Respondent/s : Mr. Yashraj Bardhan

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 06-07-2017

Heard counsel for the petitioner and counsel for the respondent BIADA.

There are primarily three issues, which have been raised now by the petitioner. One is non-payment of DA at par with the State Government employees or DA provided under Payment of Gratuity Act. The second aspect of the matter is with regard to payment of CPF for the period the petitioner was dismissed from the service and then reinstated and the third issue is payment of statutory interest on enhanced gratuity.

So far as DA is concerned, if any employee of BIADA has been granted benefit of DA, which the petitioner is looking for,



the same benefit would be extended to him. However, the stand of BIADA is otherwise in the counter affidavit or the supplementary counter affidavit. The Court, still however, gives leeway to the petitioner to point out if there is any discrepancy therein. So far as payment of interest on enhanced gratuity is concerned, the Payment of Gratuity Act is a complete code by itself. Petitioner has freedom to move the statutory authority or the BIADA authority, if there is discrimination.

So far as CPF is concerned, since there was no contribution made by the petitioner during the period of dismissal and the petitioner did not volunteer to contribute his part of the CPF when he was reinstated, there cannot be any direction for a unilateral payment of CPF for the period in question.

In view of the above, the writ application now stands disposed of with liberty as above.

(Ajay Kumar Tripathi, J)

sk

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.07.2017
Transmission Date	NA

