

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.210 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 12387 of 2010**

- =====
1. The State of Bihar, through the Commissioner - Cum - Secretary, Department of Labour Resources, Government of Bihar, Patna
 2. The Labour Commissioner, Department of Labour Resources Government of Bihar, Patna
 3. The Joint Secretary, Labour Resources Government of Bihar, Patna
 4. The Deputy Secretary, Department of Labour Resources, Government of Bihar, Patna
 5. The Deputy Labour Commissioner, Muzaffarpur
 6. The District Provident Fund Officer, Muzaffarpur
 7. The Treasury Officer, Muzaffarpur

.... Appellant/s

Versus

1. Kusheshwar Prasad Singh S/o Late Gore Lal Singh R/o Tulsi Bhawan, Radha Devi Lane, Near Shiv Flour Mill, Moh. Mundichak, P.S. Kotwali, District - Bhagalpur
2. The Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Appellant/s :
For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 07-07-2017

Delay of 39 days in filing of the appeal is condoned.

I.A. No. 963 of 2015 stands allowed and disposed of.

2. I.A. for substitution being I.A. No. 8440 of 2015 stands allowed. Corrections be carried out during the course of the day.



3. In the matter of grant of payment of gratuity and certain retiral benefits, a cut off date fixed by the State Government, has been interfered with by the learned Writ Court primarily by holding that an artificial cut off date creates a different class which is not permissible and after placing reliance on the judgment of the Supreme Court in the case of **D.S. Nakara Vs. Union of India** and a Division Bench judgment of this Court in the case of **Hari Ram Vs. State of Bihar** decided on 30th of April, 2013, the writ petition has been allowed and we find no error in the same warranting reconsideration.

4. The Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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