

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10972 of 2017

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Balmiki Sharma Son of Late Raj Nandan Sharma, Resident of Mohalla-
Chandpur Bela, Anil Bhawan Gali, P.S. Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through Secretary, Water Resources Department, Bihar,
Patna
2. The Accountant General, Govt. of Bihar, Patna.
3. The Director, Land Acquisition and Resettlement, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nachiketa Jha
For the Respondent/s : Mr.Vinay Kriti Singh-Ga2

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 31-07-2019 The present writ petition has been filed for directing

the respondents to pay the outstanding amount of gratuity and

leave encashment.

The learned counsel for the respondents has submitted
that a criminal case bearing Muzaffarpur (Sadar) P.S. Case No.
503 of 2016 dated 13.9.2016 under Sections 406, 409, 420, 467,
468, 471 and 120B of the Indian Penal Code is pending against
the petitioner herein apart from a Vigilance P.S. Case No. 53 of
2015 dated 2.7.2015 being also pending against the petitioner,
hence, the aforesaid amount of outstanding retiral dues have not
been paid to the petitioner.

Having regard to the law laid down by the Full Bench
of this Court in the case of *Arvind Kumar Singh vs. The State*



of Bihar & Ors, reported in **2018 (2) PLJR 933**, this Court is of the view that although the leave encashment amount is not required to be paid till the conclusion of the criminal proceedings, resulting in acquittal of the petitioner herein, but the gratuity amount cannot be withheld, hence, the respondents are directed to pay the gratuity amount of the petitioner herein within a period of eight weeks from today, failing which the Secretary, Water Resources Department, Bihar, Patna shall not draw his salary.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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