

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 8641 of 2015

=====

Gokula Nand Mishra son of late Sheo Kumar Mishra resident of Anand Nagar, Road No. 2, P.O Sheoganj, District Bhojpur (Bihar)

... .. Petitioner/s

Versus

1. The Bihar State Power (Holding) Company Limited, Bihar through its Secretary, Vidyut Bhawan, Bailey Road, Patna
2. The Deputy General Manager, F and A Secretariat (Terminal Benefit), Bihar State Power Holding Corporation Ltd, Patna
3. The Superintending Electrical Engineer, Electric Supply Circle Sasaram, District Rohtas.
4. The Deputy General Manager (Accounts), Terminal Benefits, South Bihar Power Holding Company Ltd., Vidyut Bhawan, Bailey Road, Patna
5. The Accounts Officer (Pension), Bihar State Power Holding Co. Ltd., Patna.

... .. Respondent/s

=====

For the Petitioner/s	:	Mr.Dharmesh Kumar Shrivastava
For the Respondent/s	:	Mr.Vinay Kirti Singh

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 28-08-2019

Heard learned counsel for the petitioner and the respondent-Company.

2 The petitioner had earlier moved this Court for payment of his dues and admissible amount of Gratuity. The writ petition bearing CWJC No 4615 of 2014 was settled in the Lok Adalat. The award of the Lok Adalat is Annexure 1. The petitioner has settled the claim of Gratuity to the amount admissible by respondent-authorities, in terms of the said award. The respondent-Company has placed on record the revised corrected fixation of the petitioner's last pay of 17.01.2013, i e, prior to his retirement on 31.03.2013. The dues have been paid as per the said fixation.



3 In view of such payment being as per fixation done prior to retirement, this Court would observe that the amounts “admissible” on account of Gratuity has been paid to the petitioner. The adjustment of an amount of “Rs 43,764/- shown in the order dated 10.12.2014 is only in furtherance of ensuring that the amount admissible is paid to the petitioner, in terms of the award. From bare perusal of the pay fixation including correction of the petitioner’s last pay as per Annexure A dated 17.01.2013, it would be apparent that the last pay admissible to the petitioner has been revised/corrected as Rs 22,940/- instead of Rs 23,310/-. The adjustment has been made on account of such revised fixation done prior to the petitioner’s retirement. Payment, therefore, has been made of amounts admissible in terms of the award passed on petitioner’s earlier writ petition bearing CWJC No 4615 of 2014.

4 The writ petition does not require any order to be passed. The same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2019
Transmission Date	NA

