

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14634 of 2018

Kamalnayan Prasad Srivastava S/o Late Ram Naresh Prasad, resident of Diwan Mohalla, Ramjanki Chouraha, Near Jagannath Mandir, PS Khajekalan, PO Jhauganj, Patna City, District Patna, retired Section Officer, Water Resources Department, Sinchai Bhawan, Patna.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Secretary Expenditure, Finance Department, Government of Bihar, Patna.
4. The Principal Secretary, Water Resource Department, Government of Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Respondent/s : Mr.Harsh Kumar- Gp8

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 08-06-2020 This writ application has been filed seeking direction to the respondent State of Bihar for payment of gratuity and leave encashment against unutilized earned leave after fixing the petitioner's pay in terms of 7th Pay Revision Commission recommendation with effect from 01.01.2016.

The petitioner, admittedly, superannuated while working as Under Secretary, Water Resources Department, Government of Bihar, with effect from 31.03.2017.

A counter affidavit has been filed on behalf of respondent State of Bihar, wherein it has been stated, *inter alia*, that the Resolution No. 3590 of 24.05.2017, issued by the



Finance Department, Government of Bihar, whereby 7th Pay Revision Commission recommendations were implemented, clearly provided that the actual payment in revised scale structure shall be made with effect from 01.04.2017. It is accordingly the case of State of Bihar that since the petitioner retired before 01.04.2017, he is not entitled to payment as being claimed by the petitioner.

There is no reply filed on behalf of the petitioner to the said counter affidavit.

This is not in dispute that actual payment, based on the implementation of 7th Pay Revision Commission, is to be made with effect from 01.04.2017, when, admittedly, the petitioner was not in service and had superannuated.

Considering the above, I do not find any merit in this application. It is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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