

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2511 of 2017

Ashok Kumar Singh Son of Late Jadu Singh Resident of Village - Bishunpur
Pakari, Police Station - Beur, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Irrigation Department, Govt. of Bihar, Patna
2. The Regional Development Commissioner-cum-Chairman, Sone Command Area Development Agency, Sone Bha
3. The Secretary, Sone Command Area Development Agency, Sone Bhawan, 'R' Block, Patna.
4. The Accounts Officer, Sone Command, Sone Bhawan, 'R' Block, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Dwivedi
For the State	:	Mr. Vinay Kirti Singh- GA2
For the SCADA	:	Mr. Naresh Dixit

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 01-06-2020 Heard both sides.

The petitioner in this writ petition seeks direction to the respondents for payment of group gratuity-cum- insurance amount with 8% interest thereon.

The petitioner was appointed as peon in Sone Command Area Development Agency (SCADA), Sone Bhawan, Patna, on 22.01.1975. The petitioner was retired from service on 31.07.2015 after attaining the age of superannuation. The petitioner had earlier filed CWJC No. 15012 of 2016 for payment of group gratuity-cum- insurance amount and this court by order dated 20.12.2016 directed the petitioner to file representation before respondent No.2 raising all his grievance within two weeks from that date and the respondent No.2 was directed to dispose of the representation of the petitioner within



two weeks from the filing of representation. The respondent No.2 disposed of the representation of the petitioner holding that petitioner is entitled to get gratuity on the basis of his last pay (Pay Scale+D.A.) of 16.5 months. Accordingly, the petitioner was paid Rs. 4,63,980.00/-.

The learned counsel for the petitioner submits during the service period of petitioner the rule for payment of group gratuity-cum- insurance amount was revised as earlier group gratuity-cum- insurance amount was paid for 20 months but I do not find any force in the submission of the petitioner as the Finance Department, Government of Bihar, issued letter in the year 1999, which was adopted by the SCADA, on the basis of which group gratuity-cum- insurance amount of an employee is paid and in view of the aforesaid letter group gratuity-cum- insurance amount for 16.5 months was paid to the petitioner. The payment was made in accordance with law and circulars on the basis of which all the employees of SCADA, who retired from service, got their group gratuity-cum- insurance amount. General rule with regard to gratuity is that an employee who has retired gets 15 days salary for each year of service rendered by him. Maximum period of gratuity is granted to a retired employee is 16.5 months for rendering full service of 33 years. The maximum amount of gratuity is Rs. 10 lakhs and it varies from employee to employee on the basis of formula that is, last pay drawn by an employee multiplied by 16.5 months, and on this formula the petitioner has got gratuity-cum-insurance amount.

Having considered the facts, I find that petitioner has already been paid group gratuity-cum- insurance amount according to circulars prevailing in the SCADA and the



petitioner is not entitled to get Rs. 10 lakhs lumpsum in the head of group gratuity-cum- insurance amount. Accordingly, I do not find any merit in this writ petition and the same is dismissed.

BKS/-

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(Prabhat Kumar Jha, J)

