

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2385 of 2017

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Ram Balak Singh Son of Shri Satya Narayan Singh, Resident of Village-
Noomar, Police Station-Barhat, District-Jamui.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Irrigation Department,
Govt. of Bihar, Patna
2. The Regional Development Commissioner-Cum-Chairman, Sone Command
Area Development Agency, Sone Bhaw
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

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 01-06-2020 Heard Mr. Anil Kumar Dwivedi, the learned counsel
for the petitioner, the learned counsel for the State and Mr.
Naresh Dixit, the learned counsel for the Sone Command Area
Development Agency (SCADA).

Sole grievance of the petitioner is that the petitioner
retired from service but the entire amount of group gratuity-
cum- insurance, which comes to Rs. 10 lakhs, has not been paid
to the petitioner and only Rs. 8,03,649/- was paid. The learned
counsel for the petitioner submits that petitioner was appointed
in the year 1975 and he is entitled to get Rs. 10 lakhs as group
gratuity-cum- insurance amount. It is further submitted that
other employees of the SCADA got Rs. 10 lakhs as group
gratuity-cum- insurance amount, as has been annexed as
Annexure-4 to the writ petition. It is further submitted that one



letter in the year 1999 was issued by the Finance Department, Government of Bihar and the SCADA decided that its employees shall be paid gratuity in accordance with the provision as applicable to the State Government employees but the petitioner is entitled to get gratuity amount in view of the notification of the year 1992. Mr. Naresh Dixit, the learned counsel for the SCADA, submits that petitioner laid stress on the statement made in paragraph 8 of the writ petition that petitioner was discriminated although other employees of the SCADA were paid Rs. 10 lakhs as group gratuity-cum-insurance amount. The petitioner also annexed Annexure-4 in order to show that other employees got Rs. 10 lakhs in the head of gratuity. It is submitted that from perusal of Annexure-4 itself it would appear that save and except Engineer-in-Chief none of the employees of the SCADA got Rs. 10 lakhs in the head of gratuity. There is formula for payment of gratuity to a retired employee and on the basis of said formula each and every retired employee gets gratuity on the basis of monthly salary plus dearness allowance and on the basis of aforesaid formula the petitioner was entitled to get Rs. 8,03,649.00/- as group gratuity-cum- insurance and accordingly, the same was paid to the petitioner.

It appears from the facts that petitioner claimed that each and every of employee of SCADA is entitled to get Rs. 10 lakhs as gratuity on the basis of notification of the year 1992 by which an agreement was made with the Life Insurance Corporation and the LIC used to pay maturity amount after retirement of an employee of SCADA. Earlier instead of 16.5 months 20 months multiplier was applicable for payment of group gratuity-cum- insurance amount but in view of circular of



Finance Department, Govt. of Bihar of the year 1999, in order to maintain parity, multiplier of 16.5 months was applied for payment of gratuity to each and every employee of SCADA and on the basis of aforesaid formula the group gratuity-cum-insurance amount was paid to the petitioner. Annexure-4 to the writ petition itself shows that each and every employee got different gratuity amount and save and except the Engineer-in-Chief none of the employees got Rs. 10 lakhs as gratuity after retirement.

Having considered the facts aforesaid, I find no merit in this writ petition and the same is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

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