

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18376 of 2019

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Ramadhar Ram S/o Ram Anup Ram Resident of Village- Kunjwa, P.s.- Bihta,
Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Chief Secretary Govt. of Bihar, Old Secretariat, Patna
3. The Principal Secretary Department of Planning and Development, Govt. of Bihar, Patna
4. The District Magistrate Lakhisarai, Bihar
5. The District Treasury Officer Lakhisarai, Bihar
6. The Accountant General Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh
For the Respondent/s : Mr.Vikash Kumar (SC-11)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 30-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard Shri Surendra Kumar Singh, learned counsel for the petitioner, Shri Vikash Kumar SC-11, learned counsel for the State and Shri Ranjan Kumar, learned counsel for the Accountant General.

The only issue raised by the petitioner in the present writ petition is with regard to non-payment of gratuity and leave



encashment amount.

The learned counsel for the petitioner has relied upon a full Bench judgment rendered in the case of ***Arvind Kumar Singh vs. The State of Bihar & Ors. reported in 2018(2) PLJR 933*** and has submitted that the outstanding retiral benefits, as aforesaid, should be paid to the petitioner herein.

The learned counsel appearing for the State has submitted that as per the full Bench judgment rendered in the case of Arvind Kumar Singh (supra), the petitioner is entitled to only 90 per cent gratuity, however, he is not entitled to the leave encashment amount in view of the fact that a departmental proceeding under Rule 43(b) of the Bihar Pension Rules, has been initiated against the petitioner herein, which in fact has also been challenged by the petitioner in another writ petition, before this Hon'ble Court. It is further submitted that as far as the gratuity amount is concerned, the entire sum has been paid totaling to a sum of Rs. 11,86,416/-, however, the leave encashment amount has not been paid, because of the pendency of the departmental proceeding, as aforesaid, and in view of the law laid down by this Court in the case of Arvind Kumar Singh (supra).

The learned counsel for the petitioner is not able to



controvert the aforesaid facts.

Having regard to the facts and circumstances of the case, taking into account the fact that the gratuity amount has already stood paid to the petitioner herein, nothing subsists in the present writ petition, for consideration, hence the same stands dismissed.

(Mohit Kumar Shah, J)

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