

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12966 of 2018

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Anil Kumar Sinha Son of Late Madan Mohan Prasad Sinha, Resident of
Muhalla 502, Tawar 2 the Palam South City Gurgaon post office and Police
station Gurgaon District- Guargaon, District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner cum Secretary Administrative and personnel
Department, Government of Bihar.
3. The Chief Secretary of Bihar, Old Secretariat Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mani Bhushan Kumar
For the Respondent/s : Mr.Md. Nadeem Seraj- GP 5

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 23-06-2020 This matter has been taken up through virtual Court
proceeding.

Heard learned counsels for the parties.

The present writ application has been filed for a
direction to the respondents to pay gratuity amount to the
petitioner with interest @ 12%. The relief as stipulated in
paragraph no. 1 of the writ application is as follows:

“That this writ application is being filed
for the direction to the respondents to pay the
gratuity amount to the petitioner with interest of
12% and to issue appropriate writ/writs,
direction/directions as your lordships may deem fit
and proper.”



The petitioner superannuated on 1.1.2016 from Indian Administrative Service after serving for 29 years 9 months and 6 days. The petitioner got retiral benefits except gratuity.

In the counter affidavit filed on behalf of respondent no. 2, the Commissioner-cum-Secretary, Administrative and Personnel Department, Government of Bihar, the specific stand has been taken in paragraph 11 thereof that the loan amount with interest was Rs.1,60,842/- after adjusting gratuity amount of Rs.3,50,000/-, has to be recovered with statutory interest from the petitioner. The statements made in paragraph nos. 11 and 12 read as follows:

“11. That in this regard, it is to state that the petitioner has been asked to deposit the recoverable amount of Rs.1,60,842/- (one lac sixty thousand eight hundred and forty two) left after adjusting his gratuity amount of Rs.3,50,000/- from the total recoverable amount (i.e. Rs.5,10,842/-). The petitioner has yet not informed whether he has deposited the outstanding amount in the Government Exchequer or not.

12. That on the basis of the above mentioned facts, the respondents graciously pray to direct the petitioner to deposit the outstanding amount of Rs.1,60,842 (One lac sixty thousand eight hundred and forty two) with statutory interest, if he has not deposited the same till date.”



The counter affidavit has been filed and served upon learned counsel for the petitioner on 28.8.2018. Learned counsel for the petitioner has not controverted the aforesaid stand taken by the respondent no. 2 in the counter affidavit.

In that view of the matter, this Court does not find any merit in this writ application.

This writ application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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