IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.302 of 2017
Arising out of
Civil Writ Jurisdiction Case No.2356 of 2016

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Umesh Prasad Arya, son of Rameshwar Prasad, Resident of Idgah Road, Keshavpur, P.O. and P.S. Jamalpur, District Munger.

... ... Appellant/s

Versus

1. The State Of Bihar through its Principal Secretary, Industries, Patna.
2. The Principal Secretary, Department of Personnel and Administrative Reform, Government of Bihar, Patna.
3. The Principal Secretary, Finance, Government of Bihar, Patna.
4. The Accountant General, Bihar, Patna.
5. The Senior Accounts Officer, Office of the Accountant General Bihar, Patna.

... ... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Amarendra Narayan, Advocate
	:	Mr. Deepak Kumar, Advocate
For the State	:	Mr. Rohitabh Das, AC to AAG 13
For the Accountant General	:	Mrs. Nivedita Nirvikar, Senior Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

Date : 03-11-2022

Mr. Amarendra Narayan along with Mr. Deepak Kumar, learned counsel for the appellant, Mr. Rohitabh Das, learned AC to AAG 13, for the State and Mrs. Nivedita Nirvikar, learned counsel for the Accountant General, Bihar.

2. The appellant has filed the present appeal being aggrieved by the judgment dated 17.09.2016 passed by the learned Single Judge in CWJC No. 2356 of 2016.

3. The claim of the appellant in the writ petition was that though he had retired on 31.03.2007 he would be entitled to payment of gratuity of Rs. 10 lakh on the basis of resolution of the Finance Department passed on 27.05.2013.

4. Learned counsel for the appellant submitted that the petitioner had attained the age of superannuation on 01.04.2007 and as per the Finance Department resolution dated 27.05.2013 persons retiring between 01.04.2007 to 23.09.2009 would be entitled to gratuity to a limit of Rs. 10 lakh. Thus, it was contended that the petitioner was also covered by the said resolution and is required to be paid Rs. 10 lakh gratuity.

5. Learned counsel for the respondents submitted that the date of superannuation of the appellant was midnight of 31.03.2007 and thus the same being prior to 01.04.2007, he is not covered by the resolution.

6. Having considered the matter, the Court finds that no relief can be granted to the writ petitioner as the State has taken a policy decision to grant gratuity of Rs. 10 lakh only to those persons who have retired between 01.04.2007 to 23.09.2007 and the petitioner having superannuated a day prior to 01.04.2007 obviously is not covered. Accordingly, the appeal

being devoid of merit, stands dismissed.

(Ahsanuddin Amanullah, J)

(Sunil Dutta Mishra, J)

khushbu/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	