

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7105 of 2021

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Braj Bhushan Prasad Sinha Son of Late Ambika Prasad Sinha R/o Flat No. A-102, Jalalpur City, Ramjaipal Path, P.S.- Rupaspur, Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Secretary, Public Health Engineering Department, Govt. of Bihar, Patna
3. The Regional Chief Engineer Public Health Engineering Department, Muzaffarpur Zone, Muzaffarpur
4. The Accountant General Bihar , Veerchand Patel, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nirbhay Prashant
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 09-02-2022

The matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

Learned counsel for the petitioner has unnecessarily impleaded the Chief Secretary, Government of Bihar, Patna as party. Accordingly, he is hereby directed to delete the name of 1st respondent within a period of one week.

State counsel accept notice for respondent nos. 2 to 4.

In the instant petition, petitioner has prayed for following reliefs:

“i. to issue appropriate, rule/rules, direction/directions, writ/ writs in the nature of *Mandamus* and be pleased to direct the respondent authorities to make the payment of gratuity and leave encashment to the petitioner with statutory interest.

ii. And any other relief or reliefs for which the petitioner be found entitled in



law be granted to him.”

Short question for consideration in the present petition is whether petitioner is entitled to payment of gratuity and leave encashment along with interest or not? In this regard, petitioner has submitted representation on 27.11.2020 (Annexure- 2).

Therefore, the concerned respondent is hereby directed to take note of the fact that the petitioner was dismissed from service on 10.02.2018. If the relevant provision of law and judicial pronouncements provides for payment of gratuity and leave encashment to dismissed employee in that event necessary order shall be passed that the petitioner is entitled to gratuity and leave encashment along with interest @ 8% per annum. If the petitioner is otherwise not eligible, in that event a necessary speaking order shall be passed and communicated to the petitioner, under which provision of law the petitioner is not entitled to payment of gratuity and leave encashment. Above exercise shall be completed within a period of three months from the date of receipt of this order.

With the aforesaid observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

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CAV DATE	
Uploading Date	
Transmission Date	

