

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11800 of 2021

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Manoj Kumar Dubey Son of Balram Dubey Resident of Flat No. 301, Srimati Enclave, Professors Colony, Near Alaknanda Apartment, North Shastri Nagar, P.O. and P.S.- Shastri Nagar, District- Patna, Pin Code- 800023 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar Through the Secretary, Labour Resources Department, Government of Bihar, Patna.
2. The Labour Commissioner Labour Resources Department, Government of Bihar, Patna.
3. The Labour Superintendent Gopalganj, District- Gopalganj (Bihar).
4. The Accountant General Mahalekhakar Bhawan, R- Block, Bir Chand Patel, Patna (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhishek, Advocate
For the Respondent/s : Mr. Anuj Kumar, (AC to GP 24)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 15-11-2022

Heard Mr. Abhishek, learned counsel for the petitioner and Mr. Anuj Kumar, learned AC to GP 24.

2. By filing the present writ application, the petitioner seeks direction upon the respondent authorities to ensure the payment of retiral dues including the GPF, gratuity, leave encashment, pension and other outstanding dues/benefits.

3. At the outset, learned counsel for the petitioner submits that during the pendency of the writ application, substantive retiral dues of the petitioner has stood paid, except gratuity. He further submits that with regard to the benefit under the scheme of ACP/MACP, the same is pending before the



Screening Committee of which respondent no. 2 is one of the member.

4. At this stage, learned counsel for the State, by referring to the statements made in the counter affidavit submits that so far the gratuity is concerned, the sanctioned Order has already been sent to the Accountant General, Bihar, Patna to issue necessary G.P.O. with respect to admissible gratuity, way back on 21.09.2020 itself with due intimation for necessary action. He next submitted that so far the other benefits are concerned, the same has stood paid much earlier to the petitioner and now the only grievance remains with the petitioner is with respect to the payment of gratuity. He further submits that with regard to the benefits under Assured Career Progression Scheme, upon receipt of claim of the Labour Enforcement Officers Union, an opinion from the Bihar Finance Department, Patna, was obtained and the said opinion was also considered by the Departmental Screening Committee in its meeting dated 05.02.2021 and a further decision has been taken to obtain another opinion on two more points from the Finance Department, Bihar on the pending issue of ACP/MACP with regard to the cases of Labour Enforcement Officers. He next submits that the claim of the petitioner is under consideration



before the respondents and as soon a final decision would be taken on priority basis after completing required formalities in accordance with law, the necessary Order would be passed.

5. Having considered the submission made on behalf of the parties and considering the materials available on record, especially the fact that the sanctioned order has already been issued and sent to the respondent Accountant General, Bihar, way back on 21.09.2020, this Court directs the respondent no. 4 to issue the necessary Authority letter, in respect of the gratuity in favor of the petitioner, as early as possible, preferably within a period of six weeks from today, if not issued till date. This Court further directs the respondent no. 2 to consider the claim of the petitioner with regard to the benefits under the ACP/MACP scheme and pass necessary Order in the period of eight weeks.

6. Accordingly, the present writ application stands disposed of, with the aforesaid observation and direction.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.11.2022.
Transmission Date	NA

