

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23881 of 2018

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Satya Narayan Jha Son of Late Gopaljee Jha, R/o Village-Dhanauja, P.S.-
Benipatti, P.O.-Lorika, District-Madhubani, Retired from the Post Director,
DRDA, Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Personal and Administrative Reforms Department,
Govt. of Bihar, Patna
4. The Principal Secretary, General Administration Department, Govt. of Bihar,
Patna.
5. The deputy Secretary, General Administration Department, Govt. of Bihar,
Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate
For the Respondent/s : Mr.Manoj Kumar, AC to GP 4

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 21-06-2023 Heard Mr. Ashok Kumar Jha, learned counsel

 appearing on behalf of the petitioner and Mr. Manoj Kumar,

 learned AC to GP 4 for the State.

2. The present writ petition has been filed for *inter*
alia following relief (s) : -

“That this writ application is being filed for issuance
of a writ in the nature of certiorari for setting aside
the letter dated 10.05.2013 contained in letter no.
746 issued under the signature of respondent no. 5
whereby and whereunder the entire leave
encashment and gratuity has been withheld only due
to pending criminal case against the petitioner even
for the samne set of charges a departmental
proceeding was initiated in which the petitioner has
been exonerated from the charges levelled against



him and further for issuance of a writ in the nature of Mandamus directing the respondent authorities to release the entire leave encashment and the gratuity in terms of the ratio decided in the case State of Jharkhand and Ors. Vs. Jitendra Kumar Srivastva and Ors reported in (2013) 12 SCC 210 and further for any other relief or reliefs to which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case to which the petitioner is entitled for.”

3. The learned counsel appearing on behalf of the petitioner has restricted his prayer with respect to only payment of gratuity in terms of law laid down by the Hon'ble Apex Court in the case of ***Dr. Hira Lal Vs. The State of Bihar & Ors*** reported in ***2020 SC 1027*** and in the said background of the case, the learned counsel for the petitioner seeks to file a representation before the Additional Chief Secretary, General Administration Department (GAD), Government of Bihar and the Additional Chief Secretary, General Administration Department (GAD), Government of Bihar is directed to consider the claim of the petitioner with regard to payment of 90% of the gratuity to the petitioner, in the light of law laid down by the Hon'ble Apex Court in the case of ***Dr. Hira Lal Vs. The State of Bihar & Ors*** reported in ***2020 SC 1027***. As on date, a criminal case is still pending against the petitioner. The concerned authority must also consider the other reliefs, as the petitioner has sought for in his writ petition.



4. The representation of the petitioner may preferably be disposed of within a period of six weeks from the date of its filing.

5. The present writ petition is accordingly disposed of.

(Purnendu Singh, J)

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