

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1379 of 2023

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Alok Arya S/o Late Uday Shankar Bhagat R/o Village- Chandaniya, P.S.
Sangrampur, Distt- Munger.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary Home, New Delhi.
2. The Director General, B.S.F. CGO Complex, New Delhi.
3. The Commandant, 61 Battalion, BSF, Patiram, Atrai, Distt- Dakshin
Dinajpur, West Bengal- 733158.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jai Prakash Verma, Advocate
For the U.O.I.	:	Mrs. Kanak Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-05-2023 Heard Mr. Jai Prakash Verma, learned counsel

appearing on behalf of the petitioner and Mrs. Kanak Verma,

learned CGC appearing on behalf of the Union of India.

2. Learned counsel appearing on behalf of the
petitioner submitted that the case of the petitioner is required to
be considered in light of order dated 13.01.2021 passed in
CWJC No. 11188 of 2018 and in light of ‘Annexures- 7 and 8’,
communication made by the petitioner for providing him
benefits of gratuity and HPL encashment and subsequently, he
had also made a reminder to the Director General, B.S.F.

3. Considering the law as on date that in terms of
Section 7(3-A) of the Payment of Gratuity Act, 1972, the Apex
Court in case of ***D.D. Tiwari (dead) through Legal***



Representatives vs. Uttar Haryana Bijli Vitran Nigam Ltd. & Ors. Reported in ***(2014) 8 SCC 894*** the respondent no. 2- the Director General, B.S.F. CGO Complex, New Delhi is directed to give equal treatment to the petitioner to abide by the law laid down by the Apex Court and the provision of Section 7(3-A) of the Payment of Gratuity Act, 1972 by calculating interest on delayed payment of gratuity within a period of six weeks.

4. The petitioner, if so desire, may file representation before the Director General, B.S.F. CGO Complex, New Delhi.

5. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

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