

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4640 of 2023

=====

Sarvanand Paswan S/o Late Ramanand Paswan, Resident of Village-
Molanipur, P.O.- Saidkpur, P.S.- Maner, District- Patna, presently Residing at
Mustafapur, P.O. and P.S.- Khagaul, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
3. The Joint Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
4. The Deputy Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
5. The Chief Engineer, Flood Control and Drainage, Water Resources Department, Birpur.
6. Executive Engineer, Head Works Division, Birpur, District- Supaul.
7. The Accountant General, Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Surendra Mishra, Adv.
For the State	:	Mr. Vijay Kumar Verma, AC to GA-2
For Accountant General	:	Mr. Bindhyachal Rai, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 27-07-2023

Heard Mr. Surendra Mishra, learned counsel appearing
on behalf of the petitioner, Mr. Vijay Kumar Verma, learned
counsel appearing on behalf of the State and Mr. Bindhyachal Rai,
learned counsel appearing on behalf of the Accountant General.

2. Learned counsel appearing on behalf of the petitioner
seeks to file detail representation before the concerned authority



for considering his case for granting full gratuity and leave encashment, in light of the law laid down by the Apex Court in the case of **Hira Lal Vrs. State of Bihar reported in (2020) 4 SCC 346**. Learned counsel further submitted that Notification dated 21.01.2019 will not come in the way to grant him full gratuity and leave encashment as the State Government has consciously not brought the said Notification to the knowledge of the Hon'ble Supreme Court. The Judgment of Hon'ble Supreme Court was passed in the Month of February, 2020 after coming into force of the Notification.

3, This Court finds that the authority concerned must dispose of the representation of the petitioner considering the fact that the State has not chosen to act upon the said Notification by not placing it before the Hon'ble Apex Court. The issue as has been raised in the present writ petition has been considered by the Apex Court and now after the law laid down by the Apex Court, the concerned authority cannot deny to make payment of full gratuity and leave encashment to the petitioner.

4. The concerned respondents must ensure to make payment to the petitioner within a period of six weeks along with all statutory interest in accordance with law.



5. With the above observation and direction the writ
petition stands disposed of.

(Purnendu Singh, J)

pravinkumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	
Transmission Date	

