

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7358 of 2020

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Vidyavati Devi, W/o Late Shashibhushan Tiwari, Resident of Village- Pipra,
District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar State Food and Civil Supply Department.
2. The Chief Finance, Bihar State Food and Civil Supply Corporation Ltd. Sone Bhawan, 5th Floor, Birchande Patel Path.
3. The Collector, East Champaran, Motihari
4. The District Manager, Bihar State Food and Civil Supply Corporation Ltd. Motihari, East Champaran.
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Shrivastava, Advocate
For the Respondent/s	:	Mr. AC to AG
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 05-12-2023

Heard Mr. Rakesh Kumar Shrivastava, learned counsel for the petitioner and Mr. Shailendra Kumar Singh, learned counsel representing the Bihar State Food and Civil Supplies Corporation Ltd. Learned counsel for the State is also present.

2. The petitioner is a hapless widow of late Shashibhushan Tiwari, who superannuated from the post of Night Guard on 31.01.2016 from the office of Bihar State Food and Civil Supplies Corporation Ltd., Motihari (hereinafter referred to as 'the BSFC'), has filed the present writ petition



seeking a direction upon the respondent authorities to ensure payment of all the admissible gratuity and leave encashment.

3. A counter affidavit has been filed on behalf of the BSFC. Mr. Singh by referring to the statements made therein submitted that having considered the grievance of the petitioner, the amount of gratuity as well as earned leave have already been sanctioned and paid to the petitioner vide Memo No. 7799 dated 29.09.2020. It has further clarified that the ceiling of gratuity amount, as has been adopted by the Board of Directors, BFSC, is fixed to Rs.3,50,000/- and the same has been paid to all the retired employees till date. So far the claim for enhanced amount of gratuity to the tune of Rs.10,00,000/- is concerned, the same has not been adopted by the BSFC till date.

4. At this stage, learned counsel for the petitioner by referring to a judgment of this Court in the case of Surendra Prasad Yadav Vs. The State of Bihar & Ors. (CWJC No. 15074 of 2012) submits that in similarly circumstanced one of the employee has been allowed the benefit of enhanced gratuity amount to the tune of Rs.10,00,000/-. However, he is not disputed the fact that the aforesaid order of the learned Single Judge has been set aside by the learned Division Bench of this Court in LPA No. 397 of 2018 to the extent of granting



enhanced gratuity of Rs.10,00,000/-.

5. He thus fairly submits that nonetheless, the Board of Directors has not taken a decision with regard to payment of enhanced gratuity to the tune of Rs.10,00,000/- as yet, but in case, Board of Director or the BSFC takes such a decision, the petitioner may be allowed to raise her claim for enhanced gratuity.

6. Considering the submissions made on behalf of the parties and taking note of the fact that admissible gratuity as well as earned leave amounts have been paid to the petitioner, the present writ petition stands disposed of.

7. However, it goes without saying that in case the BSFC takes a decision with regard to payment of enhanced gratuity, the eligible employee or the dependents have every right to approach the authority or the Court to raise his/her grievance.

8. This disposes the writ petition.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.04.2023
Transmission Date	NA

