

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7539 of 2020

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Raj Kr. Aggarwala S/o-Late Sri Bhagwan Aggarwal, R/o-Satyam 101
Mansarovar Garden Sinha Library Road, P.S.-Kotwali, Dist.-Patna.

... .. Petitioner/s

Versus

1. The Department of Energy through the Principal Secretary Govt. of Bihar, Patna.
2. The Principal Secretary Department of Energy Govt of Bihar Patna
3. The Bihar State Hydro Electric Power Corporation Limited through its Managing Director, Patna.
4. The Managing Director Bihar Hydro Electric Power Corporation Limited Sone Bhawan, 2nd floor, Birchand Patel Marg, Patna.
5. The Manager (Personnel and Administration) Bihar State Hydroelectric Power Corporation Ltd. Sone Bhawan, 2nd Floor, Birchand Patel Marg, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Brij Bihari Tiwary, Adv.
For the B.H.P.S.,		
respondent nos. 3 to 5	:	Mr. Mritunjay Kumar, Adv.
For the State	:	Mr. Abbaas Haider, SC-6

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

7 19-06-2023 Heard Mr. Brij Bihari Tiwary, learned counsel

 appearing on behalf of the petitioner, Mr. Abbaas Haider,

 learned counsel appearing on behalf of the State and Mr.

 Mritunjay Kumar, learned counsel appearing on behalf of the

 B.H.P.S., respondent nos. 3 to 5.

2. Counter affidavit filed on behalf of the Corporation

is kept on record.



3. The petitioner is aggrieved by non-payment of total amount of Rs. 20,00,000/-, on account of gratuity. He has alleged that only Rs.10,00,000/- on account of gratuity has been paid. The petitioner further claimed that full amount of G.S.L.I. has not been paid to him along with outstanding amount of Rs. 82,700/- on account of leave encashment.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is entitled for Rs.10,00,000/- on account of gratuity and remaining amount on account of G.S.L.I. to be paid by the concerned Insurance Company as well as remaining amount of leave encashment amounting to Rs. 82,700/- along with statutory amount. The petitioner has also not been paid Dearness Allowances admissible @ 164% and the petitioner to the effect has made specific statement in paragraph-9 of the rejoinder to the counter affidavit which is reproduced as under:-

“9. That it is stated in reply of paragraph 5 (d) of the counter affidavit that the part payment of Annual Increment and its arrear has been paid too the tune of Rs. 1,70,920/- but same was paid taking into account at the rate of D.A. as 142% whereas the same should have been paid at the rate of 164%. ”

5. Learned counsel appearing on behalf of the



respondent submitted that almost all the admissible retiral dues have been paid to the petitioner and the writ petition is fit to be dismissed.

6. Considering the fact that admittedly substantial amount of retiral dues has been paid to the petitioner, this Court without entering into the disputed question of fact the present writ petition is disposed of with a direction to the petitioner to file a detailed representation before the Managing Director, Bihar State Hydro Electric Power Corporation Limited, Patna for payment of remaining amount of retiral dues, if any, with statutory interest on account of delayed payment.

7. The Managing Director, Bihar State Hydro Electric Power Corporation Limited, Patna is directed to take appropriate action on the representation filed by the petitioner within a period of six weeks in accordance with law from the date of filing of such representation and ensure that the petitioner is paid the difference on account of gratuity, G.S.L.I., leave encashment and Dearness Allowances at the specific rate fixed by the State Government, which has been adopted by the Corporation from the date the petitioner is liable to be paid. The petitioner is also entitled for interest on account of delayed payment.



8. Learned counsel appearing on behalf of the State submitted that new scheme of the gratuity has been adopted w.e.f. 13.08.2020, while the petitioner had already retired before the date of adoption, as such the petitioner is not entitled for payment of gratuity as per new scheme.

9. The present writ petition is disposed of.

(Purnendu Singh, J)

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