

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8056 of 2023

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Jagdish Prasad Sah S/o Late Sonali Lal Sah Resident of Village- Sagrath, P.O.
Sagrath P.S. Kadwa, District Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police (DGP) Bihar, Patna.
3. The Inspector General of Police (IG), Darbhanga.
4. The Deputy Inspector General of Police (DIG), Purnea.
5. The Superintendent of Police, Katihar.
6. The Accountant General Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Dr. Satyendra Kumar Srivastava, Advocate.
For the State	:	Mr. Shailesh Kumar, AC to GP-5
For the A.G. Bihar	:	Mr. Ram Yash Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 28-08-2023

Heard Dr. Satyendra Kumar Srivastava, learned counsel appearing on behalf of the petitioner; Mr. Shailesh Kumar, learned AC to GP-5 appearing on behalf of the State and Mr. Ram Yash Singh, learned counsel appearing on behalf of the Accountant General.

2. Learned counsel appearing on behalf of the petitioner informs that substantial amount of retiral benefits has been paid to the petitioner in accordance with law, however, 10% of gratuity has been retained by the authority concerned



which is not in accordance with law considering the fact that the amount which has been paid in excess on account of earned leave has been duly adjusted, therefore, there is no question of withholding any amount from gratuity payable to the petitioner.

3. In these background, learned counsel appearing on behalf of the petitioner submits that he has been given instruction by the petitioner that the petitioner seeks to file a detailed representation before the concerned authority.

4. Considering the limited prayer made on behalf of the petitioner, the petitioner, if so advised, may file a detailed representation before the the Superintendent of Police, Katihar – respondent no.5

5. The Superintendent of Police, Katihar – respondent no.5 is directed to call for the service records relating to the petitioner as well as the competent person and ensure that 10% of the gratuity which has been withheld, is directed to be paid to the petitioner after verifying from the records as to whether any excess payment made to the petitioner on account of earned leave has been adjusted and if the same is reflected from the record, the petitioner must be paid 10% of gratuity within a period of three weeks from the date of filing of the representation along with statutory interest till the date of



payment.

6. With the above observation and direction, the present writ petition stands disposed of.

(Purnendu Singh, J)

Mantreshwar/-
Minu/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	30.08.2023
Transmission Date	N.A.

