IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1595 of 2021

==

Md. Kaifee Alam son of late Md. Mushtaque Alam resident of Khawaja Manzil Gulistan Mohalla, Phulwarisharif, Patna, Bihar- 801505.

... ... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Department of Finance, Old Secretariat, Government of Bihar, Patna.
3. The Agriculture Production Commissioner, Department of Agriculture, New Secretariat, Patna.
4. The Principal Secretary, Agriculture Department, New Secretariat, Patna.
5. The Director, Department of Agriculture, New Secretariat, Government of Bihar, Patna- 15.
6. The Administrator, Bihar State Agriculture Marketing Board (Dissolved), Patna.
7. The Collector, Patna, District- Patna.
8. The Treasury Officer, Secretariat, Patna.

... ... Respondent/s

==

Appearance :

For the Petitioner/s	:	Mr. Dilip Kumar, Adv.
For the Respondent/s	:	Mr. Sarvesh Kr. Singh, (A.A.G. to 13) with Mrs. Sunita Kumari, (A.C. to A.A.G.13)

==

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

9 04-01-2023 Heard learned counsel for the petitioner and learned counsel for the State.

Learned counsel for the petitioner has filed the present writ petition getting the following reliefs on the ground that his father was in service in Bihar State Agriculture Marketing Board. His father has completed his service successfully and superannuated on 31.01.2016. The reliefs prayed by the petitioner are as follows:

> *"(i). arrears of difference of gratuity amounting to Rs. 8,37,982/-.*
>
> *(ii). arrears of difference of leave encashment amounting to Rs. 4,47,020/-.*
>
> *(iii). arrears of difference of salary from 02.09.2008 till 31.01.2016.*
>
> *(iv). difference of amount of pension at par employee of State Government."*

The father of the petitioner was retired on attaining the age of superannuation on 31.01.2016. Counsel for the petitioner submits that in L.P.A. No. 715 of 2017 annexed as Annexure-10 page 51, series of writ petitions were decided by the Court directing the State to grant benefits to each of the appellants herein by counting services as rendered by them in the Boards, Corporations and Public Sector Undertakings prior to their absorption and to grant them pensionary benefits after counting such service in the Boards or Corporations. Counsel also submits that the said judgment is also applicable on him in the light of the Bihar State Litigation Policy of the State of Bihar.

Counsel for the State submits that petitioner is not entitled for the reliefs as he claimed in his writ petition. The list of heirs and legal representatives of the deceased employee is annexed as Annexure-9/B of the writ petition.

Considering the fact that petitioner has superannuated, the present writ petition is disposed off with a direction to respondents to take appropriate decision with regard to entitlement of the heirs and legal representatives of the deceased employee including the petitioner as mentioned in Annexure-9/B of the writ petition so that the admissible dues may be paid to them at the earliest preferably within a period of 4 months from the date of receipts/production of the copy of the order alongwith the fresh representation filed by the heirs and legal representatives of the petitioners collectively, failing which the petitioner shall be entitled to get interest @ 9 % per annum from the date of retirement.

With an aforesaid direction, the writ application stands disposed off.

(Dr. Anshuman, J.)

sadique/-

U			