

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.565 of 2017

In
Civil Writ Jurisdiction Case No.4564 of 2013

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1. Nawal Kishore Sharma, S/o Vikrmaditya Singh Resident of Village- Amhara, Police Station- Bihta, District- Patna.
 2. Sachchidanand Singh, S/o late Jagnarayan Singh resident of Village- Kora, P.S. Naubatpur, District- Patna.
 3. Rajani Ranjan Prasad, S/o late Tarkeshwar prasad Resident of Village Chardhar, At Present Sugar Mill, Bihta, Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. Sri Anjani Kumar Singh, the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
3. Dr. S. Sidharth , the Secretary, Department of sugar cane, Govt. of Bihar, Patna.
4. Sri Grijesh Prasad Srivastava, the Managing Director Sugar Corporation, Govt. of Bihar, Vikash Bhaw

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Prakritita Sharma- Advocate
For the State	:	Mr. Yogendra Prasad Sinha – AAG-7
For State Sugar Corporation:	:	Mr. Gyan Shankar- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

11 04-04-2023 Heard learned counsel for the petitioners, learned

counsel for the State and learned counsel for the Bihar State

Sugar Corporation Limited.

The learned counsel for the Bihar State Sugar Corporation Limited, at the outset, submits that from bare perusal of the order dated 19.02.2016 in C.W.J.C. No.4564 of 2013, it would manifest that no mandamus was issued by



this Court requiring the authority to grant the benefits asked for by the petitioners rather the learned Writ Court had recorded:-

"Be that as it may, this Court would direct the petitioners to file a fresh representation to the Managing Director of the Corporation who will examine the same and take a decision by passing a reasoned order within a period of six months from the date of filing of the representation along with a copy of this order."

The learned counsel for the Corporation submits that the petitioners in pursuance of the order dated 19.02.2016 in C.W.J.C. No.4564 of 2013 had filed their representation before the Managing Director of the Corporation, who after examining the claim of the petitioners, passed a reasoned order dated 03.04.2023 contained in Memo No.36.

The learned counsel for the Corporation submits that the said order has not been filed by way of affidavit, but he is submitting a copy of the same after serving it on the learned counsel for the petitioners. The said order is taken



on record.

The learned counsel for the petitioners submits that the petitioners have been paid gratuity only for 15 months when the same ought to have been for 20 months and the Leave Encashment which has been paid i.e. only for 30 days instead 240 days.

The learned counsel appearing for the Corporation submits that as far as Leave Encashment is concerned, with respect to that, the order is reasoned, but as far as gratuity is concerned, since it has been submitted by the learned counsel for the petitioners that rest of the employees of other factories of the Corporation have been paid gratuity for 20 months. The said aspect of the matter shall be looked into by the Corporation.

The learned counsel for the petitioners, at this stage, submits that the petitioners will file a fresh representation with regard to seeking gratuity amount to which the learned counsel for the Corporation submits that the same shall be looked into and if other employees of the Corporation in its different factories have been paid gratuity



for 20 months, then definitely the petitioners would also be entitled for the same, in the event, if employees of other factories of the Corporation have been paid gratuity for 20 months.

The learned counsel for the petitioners, at this stage, submits that the liberty be granted for challenging the order contained in Memo No.36 dated 03.04.2023 issued by the Managing Director, Sugar Corporation.

Considering the submission made by the learned counsel for the parties, the contempt application is disposed of with the liberty aforesaid.

(Satyavrat Verma, J)

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