

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.261 of 2020
In
Civil Writ Jurisdiction Case No.6851 of 2017

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1. The Director, Water and Land Management Institute (WALMI), Phulwarisharif, Patna.
 2. The Regional Development Commissioner, Sone Command Area Development Agency, Sone Bhawan, R Block, Patna.
 3. The Secretary, Sone Command Area Development Agency, Sone Bhawan, R Block, Patna.
 4. The Accounts Officer, Sone Command Area Development Agency, Sone Bhawan, R Block, Patna.

... .. Appellant/s

Versus

1. Rajendra Prasad Mistri son of Late Nagina Mistri resident of village- Aganur, Police Station- Kaler, District- Arwal.
2. Anil Kumar Srivastava son of Late Jwala Prasad Srivastava resident of Kanti Factory, Mahatma Gandhi Nagar near Rose Garden Apartment, Janki Niwas, Bahadurpur- 26, Police Station- Agam Kuan, District- Patna.
3. Jaggan Prasad Sah son of Late Sukhdeo Sah resident of village- Ghiya, Post Office- Praast Dih, Police Station- Goradih, District- Bhagalpur.
4. The State of Bihar through the Principal Secretary, Irrigation Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Harshvardhan Shivsundaram
For the Respondent/s : Mr.Lalit Kishore (Ag)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 15-03-2024

Re:I.A. No. 1 of 2024

Heard I.A. No. 1 of 2024 for condonation of delay in
filing LPA. For the reasons stated in application and affidavit,



there is a delay of 15 days in filing LPA is condoned. Accordingly, I.A. No. 1 of 2024 stands allowed.

2. With the consent of the respective parties, LPA is taken up for final disposal. Core issue involved in the present *lis* is whether respondent is entitled to gratuity amount in terms of the existing scheme for extending gratuity to its employees as on 31.01.2016 and 30.06.2016. The date on which the respondents were stated to have attained age of superannuation and retired from service.

3. Learned counsel for the appellants submitted that LIC scheme of gratuity is stated to have closed on 14.12.2016 and thereafter the appellants have introduced new scheme of gratuity. Therefore, respondents are not entitled to have the benefit of gratuity in the light of earlier policy decision of the appellants. It is astonishing to know how the present LPA has been filed for the reasons that on the face of record it is evident that respondents have attained the age of superannuation and retired from service on 31.01.2016 and 30.06.2016. Employees of the appellants have been extended gratuity amount with reference to LIC scheme upto 14.12.2016. Thereafter, the appellants have switch over to different gratuity scheme. In this backdrop, filing of the present LPA is incorrect this is nothing but harassing the respondents instead of



implementation of order of learned Single Judge. The present LPA has not merit.

4. Accordingly, the present LPA No. 261 of 2020 stands dismissed while affirming the order of the learned Single Judge order dated 13.07.2020 passed in CWJC No. 6851 of 2017. The appellants are hereby directed to settle all dues of gratuity of the respondents within a period of three months from the date of receipt of this order.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
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