

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4773 of 2021

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Sudama Sharma, S/o Late Birda Sharma, R/o Ahilya Gautam Colony, Near Sangam Apartment, Ashiyana Nagar, P.S. Rajeev Nagar, Distt- Patna. Superannuated from the post of Assistant Engineer, from the Office of Executive Engineer, Building Construction Department, Works Division, Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Government of Bihar, Patna.
2. The Principal Secretary, Building Construction Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Old Secretariat, Government of Bihar, Patna.
4. The Principal Secretary, Agriculture Department, New Secretariat, Government of Bihar, Patna.
5. The Executive Engineer, Building Construction Department, Works Division, Siwan.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1636 of 2021

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Anand Gopal, S/o Late Ram Bahadur Mishra, A/p Adarsh Vihar Colony, Rukunpura, P.S.- Rupaspur, Bailey Road, Distt.- Patna, Superannuated from the post of Assistant Engineer, From the Office of Executive Engineer, Rural Works Department, Works Division, Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Vishesaraiya Bhawan, Bailey Road, Government of Bihar, Patna
2. The Secretary, Rural Works Department, Vishesaraiya Bhawan, Bailey Road, Government of Bihar, Patna
3. The Principal Secretary, Department of Finance, Old Secretariat, Government of Bihar, Patna
4. The Principal Secretary, Agriculture Department, New Secretariat, Government of Bihar, Patna
5. The Executive Engineer, Rural Works Department, Works Division, Sitamarhi

... .. Respondent/s

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Appearance :



(In Civil Writ Jurisdiction Case No. 4773 of 2021)

For the Petitioner/s : Mr. Jai Prakash Verma, Advocate
For the Respondent/s : Mr. Mahendra Prasad Verma, Advocates
For the AG, Bihar : Mr. Chaitanya Swaroop, Advocate

(In Civil Writ Jurisdiction Case No. 1636 of 2021)

For the Petitioner/s : Mr. Jai Prakash Verma, Advocate
For the Respondent/s : Mrs. Archana Meenakshee, GP-6

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

11 21-10-2024 Heard the parties.

2. The petitioners in both the writ petitions were employees of the erstwhile Bihar State Agriculture Marketing Board, Patna (for short 'the Board') where they were posted on the post of Assistant Engineer. After coming into force of the Bihar Agriculture Produce Market Repeal Act, 2006 (for brevity 'the Act, 2006') w.e.f. 01.09.2006, the Board dissolved. In view of Section 6 of the Act, 2006, the services of the petitioners were duly absorbed under the State Government, in different Department w.e.f. 02.09.2008 and continuity of their services have also been granted to the petitioners and others erstwhile employees of the Board vide Memo No. 3054 dated 13.07.2016 issued by the Principal Secretary, Department of Agriculture.

3. After the dissolution of Board/Agriculture Produce Market Committee, the petitioner in C.W.J.C. No. 4773 of 2021 was duly adjusted against the post of Assistant Engineer in Rural Works Department. Similarly, the petitioner in C.W.J.C. No. 1636 of 2021 was absorbed on the post of Assistant



Engineer in Building Construction Department.

4. Learned counsel for the petitioners contended that despite the superannuation of the petitioners, when they have not been allowed the differential amount of gratuity and leave encashment from the date of initial appointment made in the erstwhile Board till their retirement from the different departments of the State Government, they have approached this Court by filing the present writ petitions. During the pendency of the writ petitions, the petitioner in C.W.J.C. No. 4773 of 2021 has been accorded the due admissible differential amount of gratuity and leave encashment but without the interest over the delayed payment. Similarly, the petitioner in C.W.J.C. No. 1636 of 2021 has been accorded the differential amount of leave encashment but till date the difference of gratuity amount has not been accorded, apart from the interest.

5. Learned counsel for the petitioner referring to the facts narrated hereinabove contended that the case of the petitioners is squarely covered by the judgment rendered by the learned co-ordinate Bench of this Court in **Ram Yash Sah and Others v. The State of Bihar and Others [C.W.J.C. No.3416 of 2020]**, which was disposed off vide order dated 07.09.2020.

6. Learned counsel for the State submitted that all the



admissible dues with respect to the differential amount of gratuity and leave encashment have been paid to the petitioners, if there is any amount due with respect to the petitioner in C.W.J.C. No. 1636 of 2021, the same shall be made in accordance with law.

7. Considering the submissions advanced hereinabove and the nature of the relief(s) sought for in the present writ applications, both the writ petitions stand disposed off in terms of the order/ direction of this Court in C.W.J.C. No. 3416 of 2020 with a further direction to the respondent no.2 to ensure payment of differential amount of gratuity to the petitioner in C.W.J.C. No. 1636 of 2021, preferably within a period of twelve weeks from the date of receipt/production of a copy of this order.

8. Suffice it to say that if any of the similarly situated employees have been accorded the interest over the delayed amount, the same must be accorded to the petitioners.

9. With the aforesaid direction(s), both the writ petitions stand disposed off.

(Harish Kumar, J)

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