

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4011 of 2021

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Virendra Kumar, S/o Nandu Singh, R/o Ahilya Gautam Colony, Ashiananagar,
P.S. Rajeev Nagar, Distt-Patna. Superannuated from the post of Assistant
Engineer form the Office of Executive Engineer, Rural Works Department,
Works Division, Piro, Distt-Bhojpur.

... .. 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, Piro,
Distt-Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Adv.
For the Respondent/s : Mr. Prem Ranjan Raj, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 15-07-2024

Heard Mr. Jai Prakash Verma, learned counsel for the
petitioner and Mr. Prem Ranjan Raj, learned counsel for the
State.

2. The petitioner by filing the present writ petition
seeking a direction upon the respondent authorities to ensure
payment of his differential amount of gratuity and leave



encashment from the date of his initial appointment in the erstwhile Bihar State Agriculture Marketing Board, Patna, till his retirement from the State Government.

3. Learned advocate for the petitioner fairly submitted that during the pendency of the writ petition the arrears of differential amount of leave encashment has been paid to the petitioner and now his case is only confined to the differential amount of gratuity.

4. It is the contention of the petitioner that he was a permanent employee of the erstwhile Bihar State Agriculture Marketing Board, Patna where he was posted on the post of Assistant Engineer. After coming into force of the Bihar Agriculture Produce Market Repeal Act, 2006 with effect from 01.09.2006, the Bihar State Agriculture Marketing Board/Agriculture Produce Market Committee dissolved. In view of Section 6 of the Bihar Agriculture Produce Market Repeal Act, 2006, the service of the petitioner was absorbed under the State Government and continuity of his service has also been granted along with other erstwhile employees of the Board vide Memo No. 3054 dated 13.07.2016 issued by the Principal Secretary Department of Agriculture, Government of Bihar.



5. Referring to the judgment rendered by the learned Co-ordinate Bench of this Court in the case of **Ram Yash Sah & Others vs. The State of Bihar & Others**, disposed of on 07.09.2020, the learned counsel for the petitioner contended that the case of the petitioner is identical to **Ram Yash Sah** (supra) who has been accorded all the benefits of differential amount of gratuity and leave encashment. In the aforesaid premise the petitioner prayed that his case may be disposed of in terms of the aforenoted judgment so that the petitioner shall get his admissible dues.

6. At this juncture, the learned counsel for the State submitted that the claim of the petitioner is required to be verified by the respondent no. 2 and if the claim of the petitioner finds favour, he shall be accorded the admissible benefit in accordance with law.

7. Considering the limited prayer of the petitioner whose case is based on parity, this Court thinks it proper to dispose of the writ petition in terms of the judgment passed in **Ram Yash Sah** (supra).

8. If the petitioner files a representation along with the order/judgement of this Court within a period of four weeks from today, the respondent no.2 shall consider the claim of the



petitioner for his differential amount of gratuity and ensure payment in case the claim of the petitioner is found at par with the other similarly situated employee(s), within a further period of six weeks.

9. The writ petition stands disposed of.

(Harish Kumar, J)

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CAV DATE	
Uploading Date	22.07.2024
Transmission Date	

