

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3750 of 2021

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Suresh Prasad Singh, S/o Late Uchit Narayan Yadav, R/o Village-Nanaura,
P.S. Keotik, Distt-Darbhangha, Superannuated from the post of Assistant
Engineer from Rural Works Department, Works Division, Darbhanga.

... .. 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,
Darbhanga-1.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma
For the Respondent/s : Mr. Anwar Karim

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 15-01-2024

Heard Mr. Jai Prakash Verma, learned counsel
appearing on behalf of the petitioner and Mr. Anwar Karim,
learned counsel for the State.



2. The petitioner, by filing the present writ petition under Article 226 of the Constitution, seeking a direction upon the respondents to pay to the petitioner differential amount of gratuity and leave encashment from the date of his initial appointment made in the erstwhile Bihar State Agriculture Marketing Board, Patna, till his retirement from the State Government along with interest.

3. It is submitted on behalf of the petitioner that the petitioner was a permanent employee of the erstwhile Bihar State Agriculture Marketing Board, Patna and he was posted there on the post of Assistant Engineer. After coming into force of the Bihar Agriculture Produce Market Repeal Act, 2006 w.e.f. 01.09.2006, the Bihar State Agriculture Marketing Board/Agriculture Produce Market Committee was dissolved and 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 with effect from 02.09.2008.

4. It is further submitted that after according the continuity of the service, like other erstwhile employee of the Board, vide Memo No. 3054 dated 13.07.2016 issued by the Principal Secretary, Department of Agriculture, the petitioner



finally superannuated on 31.05.2018 from the post of Assistant Engineer while posted under Rural Works Department, Work Division, Darbhanga-1. Despite having superannuated in the year 2018, the petitioner has not been allowed differential amount of gratuity and leave encashment. Thus, the present writ petition.

5. He submitted that other employees of the Board, who were identically situated, approached before this Court and they have been allowed the benefit of differential amount. He submitted that his case is also identical to the persons, whose cases have been disposed of by the Hon'ble Court in CWJC No. 3416 of 2020 (Ram Yash Sah & Ors. Vs. The State of Bihar & Ors.) vide order dated 07.09.2020.

6. Considering the submissions made on behalf of the petitioner, whose case is entirely based on parity, this Court deems it apt and proper to dispose of the present writ petition with a direction to the petitioner to file a representation before the respondent No. 2 along with the order of this Court passed in identical matter.

7. If such representation is filed within a period four weeks from today, the respondent No. 2 shall consider the same and dispose of the representation of the petitioner within a



further period of eight weeks by speaking and reasoned order in light of the judgment rendered in the identical matters.

8. Needless to observe that in case the petitioner is found entitled for the differential amount, as prayed for in the present writ petition, the same shall also be accorded to him within the stipulated period as noted hereinabove.

9. This disposes the writ petition.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	16.01.2024
Transmission Date	

