

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4257 of 2021

Nirankar Malviya, S/o Late Hargouri Tiwary, 14F/10 West Anandpuri, Near S.B.I. West Boring Canal Road, P.S. Srikrishnapuri, Distt-Patna. Superannuated From Service while posted as Assistant Engineer, Rural Works Department on deputation in Local Area, Engineering Organisation, Works Division No. 2, Jagdishpur, Ara, in the Office of Executive Engineer, L.A. E.O. Works Division-2, Jagdishpur 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, Local Area Engineering Organisation, Works Division-2, Jagdishpur, Distt.- Bhojpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Advocate
For the Respondent/s : Mr. K.P. Gupta, GP-10

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 19-06-2025 Heard the parties.

2. The petitioner was the permanent employee of the erstwhile Bihar State Agriculture Marketing Board, Patna (for short 'the Board') where he was posted 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 Board dissolved. In view of Section 6 of the Act, 2006 the services of the petitioner and others were duly absorbed under the State Government in different Departments. The service of the petitioner was also absorbed in Rural Works Department, from where he superannuated on 31.01.2020 from the post of Assistant Engineer. Notwithstanding his superannuation noted hereinabove, when the petitioner has not been extended the benefit of differential amount of Gratuity and Leave Encashment from the date of his initial appointment made in the erstwhile Board, he approached this Court by filing the present writ petition.

3. The contention of the petitioner is in limited bound that the issue has already been settled by a learned co-ordinate Bench of this Court in the case of **Ram Yash Sah and Others v. The State of Bihar and Others [C.W.J.C. No. 3416 of 2020]** and the case of the petitioner is also squarely covered by the afore-noted decision. It is further contended that other identically situated persons have also approached this Court in **C.W.J.C. No.4773 of 2021 [Sudama Sharma v. The State of Bihar & Ors.]** and further in **C.W.J.C. No.1636 of 2021 [Anand Gopal v. The State of Bihar & Ors.]**, wherein



favourable orders have been issued.

4. On the other hand, learned Advocate for the State submitted that a counter affidavit has already been filed and from the materials available therein, it appears that the petitioner has also been accorded admissible Leave Encashment and Gratuity amount.

5. At this juncture, learned Advocate for the petitioner submits that during the pendency of the writ petition, now admissible Leave Encashment has been paid to the petitioner but the pending amount under the head of Gratuity has yet to be paid.

6. Considering the grievance of the petitioner, this Court deems it apt and proper to dispose off the present writ petition in terms of the order(s)/direction(s) of this Court rendered in **Ram Yash Sah** (supra), with a further direction to the respondent no.2 to ensure payment of admissible differential amount of Gratuity to the petitioner, preferably within a period of twelve weeks from the date of receipt/production of a copy of this order.

7. It is made clear that if any of the identically situated employee has been accorded interest over the delayed payment, similar benefit must be accorded to the petitioner.



8. With the aforesaid direction, the present writ
petition stands disposed off.

(Harish Kumar, J)

rohit/-

U			
---	--	--	--

