

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13668 of 2024

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Dinesh Prasad Singh, Son of Late Ram Narayan Singh, Resident of Mohalla-Prithvipur, Chirayatard First Lane, Police Station- Kankarbagh, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Bailey Road, Patna.
2. The Principal Secretary, Road Construction Department, Bishesaraiya Bhawan, Bailey Road, Patna.
3. The Principal Secretary, Department of Agriculture, Vikash Bhawan, Bailey Road, Patna.
4. The Secretary, Department of Agriculture, Vikash Bhawan, Bailey Road, Patna.
5. The Secretary, Rural Works Department, Bihar, Patna.
6. The Superintending Engineer, Rural Works Department, Work Circle, Sasaram.
7. The Executive Engineer, Rural Works Department, Work Division, Sasaram-2.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha, Adv.
For the Respondent/s : Mr. Government Pleader 6

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-07-2025 Heard the parties.

2. The facts are admitted that the petitioner was duly appointed in the erstwhile Marketing Board on the post of Assistant Engineer in the year 1990. While he was discharging his duty in the Marketing Board, in the mean while, the Government of Bihar has come out with a decision in the year 2006, by which the Marketing Board was dissolved and the employees of the Board, including the petitioner were absorbed



in different departments. In pursuant thereto, the services of the petitioner was duly absorbed in the Road Construction Department as an Assistant Engineer(Civil) against vacant and sanctioned post. After serving more than 30 years, the petitioner finally attained the age of superannuation on 31.12.2020.

3. Notwithstanding the aforesaid fact, when the petitioner has been deprived from the differential amount of gratuity alongwith the interest, he approached this Court by filing the present writ petition. It is the specific contention of the petitioner that upon being superannuated, the petitioner has extended all the retiral benefits and other dues, except the differential amount of gratuity for the period after his absorption till the date of his superannuation.

4. Learned Advocate for the State referring to the counter affidavit, specially paragraph no. 11 thereof, has submitted that the differential amount of gratuity was already paid to the petitioner alongwith other dues. This fact has been controverted by the learned Advocate for the petitioner and submission has been made that such amount related to the period for which the petitioner discharged his duty in the erstwhile Marketing Board and not for the services rendered in the State Government.

5. It is further contended that identically situated



persons have approached this Court in C.W.J.C. No. 3416 of 2020 wherein the Court has directed to consider their claim of payment of differential amount of gratuity and they have been allowed the differential amount with the interest.

6. Considering the submissions set forth by learned Advocate for the parties, this Court deems it apt and proper to dispose off the writ petition with a direction to the respondent no. 5 to consider the representation of the petitioner, the copy of which is placed as Annexure P/6, in terms with the order passed by this Court in C.W.J.C. No. 3416 of 2020 and bring to its logical conclusion, preferably within a period of 8 weeks' from the date of receipt/production of a copy of this order.

7. Suffice it to observe that in case the claim of the petitioner finds favour and identical to those of the writ petitioner of C.W.J.C. No. 3416 of 2020, identical relief may be accorded to the petitioner within the stipulated period.

8. The writ petition stands disposed off with the aforesaid direction.

(Harish Kumar, J)

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