

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5548 of 2026

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Ram Sagar Sharma S/o Late Shiv Sharma, R/o Village-Harakh, P.S. Nagar Thana Begusarai, District-Begusarai. Superannuated from the post of Karyalaya Prachari (Class-iv), while working in the Office of Executive Engineer, Water Resources Department, West Koshinahar Division, Andharathari, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Secretary, Department of Agriculture, Government of Bihar, Patna.
3. The Administrator, Bihar State Agriculture Marketing Board, (dissolved), Pant Bhawan, Bailey Road, Patna.
4. The Chief Engineer, Office of Chief Engineer, Irrigation Generation, Water Resources Department, Darbhanga, District- Darbhanga.
5. The Superintending Engineer, West Koshi Nahar Circle, Jhanjharpur, District- Madhubani.
6. The Executive Engineer, West Koshi Nahar Division, Andharathari, District- Madhubani.
7. The Accountant General, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Advocate
For the Respondent/s : Mr. Government Pleader (24)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 18-04-2026 Heard learned counsel for the petitioner and learned counsel for the State.

2. The writ petition has been filed for the following
reliefs :-

“For issuance of an appropriate writ/writs,



order/orders, direction/directions, in the nature of mandamus/certiorari for quashing of letter no.77 dated 30.01.2024 passed by the Executive Engineer (Respondent no.6 herein) whereby and where under claim of the petitioner for grant of difference amount of Gratuity has been rejected on the ground that the petitioner has only served under Water Resources Department, Koshi Nahar Division, Andharathari, Darbhanga only 3 years, 5 month and 29 days although for receiving gratuity minimum 5 years service is required. And further prayer for commanding and directing to the respondent authorities to pay to the petitioner differential amount of Gratuity and differential amount of 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 service along with interest deducting payment already made by erstwhile Bihar State Agriculture Marketing Board, (dissolved) Patna. And for the others necessary relief/reliefs for which the petitioner is entitled to in accordance with law.”

3. Learned counsel for the petitioner was initially appointed on Class-IV post in the Agriculture Produce Market Committee, Sitamarhi, which is said to have been dissolved and the petitioner is entitled for the difference amount of gratuity in terms of the order dated 07.09.2020 passed in C.W.J.C. No.3416



of 2020, which has not been extended, while other similarly situated persons have been extended such benefits.

4. It is the case of the petitioner that his claim is squarely covered by the aforesaid judgment, and that his absorption was effected pursuant to the order passed by this Court, annexed as Annexure P/3. However, for unexplained reasons, despite being similarly situated to other employees who have been granted superannuation benefits, the petitioner has not been extended the same benefits.

5. On the other hand, learned counsel for the State submits that the authorities may be directed to adjudicate the claim of this petitioner in terms of the issues having been put at rest by this Court and in terms of the order passed by this Court, appended with the writ petition as Annexure-P/13 and if it is found that the case of the petitioner is similarly situated to that of those employees, the said benefits may be directed to extended in favour of the petitioner.

6. Considering the submission of the parties, this Court finds it appropriate to direct the respondent No.4 to adjudicate the claim of this petitioner within a period of six weeks from today and on adjudication if it is found that the petitioner is entitled, the benefits shall be also extended within



the same time.

7. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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