

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15876 of 2023

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Nagendra Prasad S/o late Sudeshwar Prasad R/o Vill- Shiv Colony, Raja Bazar P.S.- Shastri Nagar, Dist- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Dept. of Agriculture, Government of Bihar, Patna.
2. The Principal Secretary, Department of Agriculture, Government of Bihar Patna.
3. The Bihar State Agro Industries Development corporation Limited through its Managing Director, Rasayan Bhawan Mithapur Farm, Area Patna.
4. The Managing Director, The Bihar State Agro Industries Development corporation Limited, Rasayan Bhawan Mithapur Farm, Area, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Brij Bihari Tiwary, Adv.
For the Respondent/s : Mr. Rajnish Shandilya, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 30-06-2026

Heard Mr. Brij Bihari Tiwary, learned Advocate for the petitioner and Mr. Rajnish Shandilya, learned Advocate for the State.

2. The petitioner was appointed on the post of Mechanic (Grade-III) on 19.05.1976 in the Bihar State Agro Industries Development Corporation Limited and he continued working therein till 07.01.1985; thereafter his service was taken over to the Bihar Fruits and Vegetables Development Corporation Limited, Patna and finally the service was deputed to Bihar State Hydro-Electric Power Corporation Limited and further absorbed on 06.01.2001 and finally he superannuated on



30.06.2008. Notwithstanding, the petitioner's entitlement, he has not been paid gratuity for the period 26.05.1976 to 07.01.1985 and payment of his Dearness Allowance/Compulsory Deduction for the period 01.03.1976 to 07.01.1985 along with interest as has been given to other identically situated persons, the petitioner approached this Court.

3. A counter affidavit has been filed and it is submitted that on account of action taken by the State Government, the Hon'ble Supreme Court in SLP No. 16159/2017 (contempt petition 2023/2021) observed that no case is made out. However, the petitioners are permitted to avail such other remedy as is available in law. It is further contended that Resolution No. 52 dated 14.03.2018 also stipulates that the employees of these public undertakings, who are adjusted in different department, shall retire from concerned department and all their dues shall be the liabilities of the concerned department. Since the services of the petitioner was finally adjusted in BHPC it is submitted that in terms with Resolution No. 132 dated 20.06.2018, on the basis of payment made by the Administrative Department, allotment shall be made by the Finance Department and only after making inquiry of the record



under relevant provisions, amount shall be paid by the Administrative Department. It is submitted that all the dues of the employees of the Corporation have been paid only after verification of audit team of the Finance Department.

4. Learned Advocate for the petitioner submitted that only on account of the fact that while the petitioner was working in the Tractor Project, the same was seized by the Bihar Industrial Area Development Authority and due to this reason the State has come out with a stand that the record concerning the petitioner is not available in the office and as such the relief as has been sought for in the writ petition has not even been considered. It is further contended that other identically situated persons whose names figured in the letter No. 452 dated 08.10.1983 and who have also been adjusted in different Departments/Corporations, they have been paid their gratuity as well as Dearness Allowance for the period rendered prior to their absorption. Since there is no laches on the part of the petitioner and others identically situated persons have been accorded the benefit, as has been sought for in the writ petition, the claim of the petitioner ought to be considered, is the contention of the learned Advocate.

5. Having considered the submissions advanced on



behalf of the learned Advocates for the respective parties and taking note of the fact that most of the employees of the Corporation whose names finds figure in letter No. 452 dated 08.10.1983 working with the petitioner have already been paid the outstanding dues, as has been prayed in the writ petition, except the petitioner, who has been deprived from the identical benefits despite repeated persuasion, this Court directs the Joint Director (Chemistry), SIL, Patna-cum-Managing Director, Bihar State Agro Industries Corporation to verify the claim of the petitioner and in case others have been allowed the benefits as has been sought in the writ petition, the same benefit must be accorded to the petitioner, preferably within a period of eight weeks from the date of receipt/production of a copy of this order, if there is no other legal impediment coming in the way to the petitioner.

6. With the aforesaid observations, the present writ petition stands disposed.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	01.07.2026
Transmission Date	

