
(2014) 09 PAT CK 0085
In the Patna High Court
Case No : C.W.J.C. No. 14984 of 2007

Chandradeo Narayan

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 04-09-2014

Acts Referred:

Citation : (2015) 1 PLJR 53

Hon'ble Judges : Ajay Kumar Tripathi, J

Bench : Single Bench

Advocate : Dharmendra Kumar Paswan, Advocates for the Appellant; D.K. Sinha, Chandra Mohan Singh and Samir Kumar Sinha, Advocates for the Respondent

Judgement

Ajay Kumar Tripathi, J.—Merely because petitioner decides to approach the High Court again and again, it does (sic - not?) mean that claim of the petitioner stands any better. This time he moved the High Court looking for the benefit of grant of gratuity to the extent of Rs. 3.50 lakhs instead of Rs. one lakh, which has already been paid. The University authorities have clearly passed a speaking order on the basis of previous direction contained in Annexure-R/4 or Annexure-9 to the writ application, which is dated 12.9.2007. A reading of the said speaking order by itself indicates that since the petitioner is a retiree of a day prior to the benefit, which came to be enhanced, the benefit cannot accrue to the petitioner. The facts are not in dispute. The date of retirement of the petitioner is not in dispute nor is the dispute about benefit being available from a later date.

2. In view of the same in terms of the entitlement of the petitioner, he has been paid his gratuity but not enhanced gratuity, which is only available to people retiring after 1.4.2007 and not the people prior thereto. The Court does not find any infirmity in the detailed discussion made in Annexure-R/4 to the supplementary counter affidavit of the University or Annexure-9 to the writ application. Writ application, therefore, has no merit. It is dismissed.