

Court No. - 33

Case :- WRIT - A No. - 17267 of 2023

Petitioner :- Savitri Pandey

Respondent :- Union Of India And 3 Others

Counsel for Petitioner :- Ashok Kumar Ojha, Ganga Kushwaha

Counsel for Respondent :- A.S.G.I., Satish Chaturvedi, Satish Kishore Kakkar

Hon'ble J.J. Munir, J.

Order on Writ Petition

Mr. S.K. Kakkar, learned Counsel has filed a personal affidavit on behalf of respondent no. 3 in compliance with the order dated 18.10.2023. In paragraph no. 5 of the said affidavit, it is averred:

"5. That after follow up with the petitioner and after completion of formalities by the petitioner, the respondent Bank on 31.10.2023 and 01.11.2023 has paid/ credited the amount of gratuity of Rs.7,89,299/- along with Rs. 3,60,915.08 as interest on delayed payment of gratuity in terms of Ministry of Labour, Government of India notification dated 1 October, 1987 vide notification No. S-70012/6/87-SS-II(II). In this notification the rate of interest has been mentioned as simple interest @ 10% per annum. Although at present the rate of interest for the **Fixed Deposit** is 7% per annum. It means that the rate of interest more than fixed deposit has already been paid to the petitioner and now nothing is due to her in respect of payment of gratuity. Since the payment of gratuity along with interest has been disbursed/ paid, but the penal interest has not been paid as there is no such provision under the Payment of Gratuity Act, 1972. True copy of letters issued by the Authorities is attached hereto as **Annexure No C.A.II** and the notification dated 1st October, 1987 as **Annexure No C.A.III** forming part of this affidavit."

The fact is admitted to the petitioner that he has been paid his gratuity along with interest in the sum of Rs. 3,60,915/-.

In view of the above, no further orders are required to be passed in this petition.

It is, accordingly, **consigned to record**.

Order on Civil Misc. Stay Application No. 1 of 2023

Disposed of.

For orders, see my order of date passed on the writ petition.

Order Date :- 29.11.2023

Prashant D.