

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No. 16055 of 2007**

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Jyoti Prakash Paul, Son of Late Krishna Prasannapaun Paul, Resident of Belan Bazar, Bangali Tola, Monghyr, Police Station- Kasim Bazar, District- Monghyr.

.... .... Petitioner/s

Versus

1. Bihar Gramin Bank, formerly known as Monghyr Kshetriya Gramin Bank, Head Office Gramin Bank Chowk North H.F.C. Gate N.H. 31 P.O. Bihar, District- Begusarai-851135 through its Chairman.
2. Chairman Bihar Gramin Bank, Head Officer formally known as Bihar Kshetriya Gramin Bank, Head Office Gramina Bank Chowk North H.F.C. Gate N.H. 31, P.O. Bihat, District- Begusarai-851135.
3. Personal Manager Bihar Graming Bank Head office, North H.F.C. Gate N.H. 31, P.O. Bihat, District- Begusarai- 851135.
4. Senior Branch Manager, Bihar Gramin Bank, Munger Branch, Town Hall, Road, Post office & District- Munger- 811201.
5. Assistant Provident Fund Commissioner, Employees Provident Fund Organization, Regional Office, Bhagalpur.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Raghunandan Pd.Sinha &  
Mr. Syed Abdur Rahman, Advocates.

For the Bank : Mr. Ranjeet Kumar Pandey, Advocate.

For the R.P.F.C. : Mr. Ram Shankar Pradhan, Sr. Advocate.  
(Respondent No. 5) : Mr. Jainandra Kumar, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN**  
**AMANULLAH**

ORAL ORDER

10 03-08-2015

Heard learned counsel for the parties.

A supplementary counter affidavit has been on behalf of respondents no. 1 to 4 in which it has been stated that due amount of Rs. 64,085/- towards arrear of gratuity and leave encashment in terms of the 8<sup>th</sup> Bipartite settlement is payable and for which cheque dated 09.07.2015 has been produced before the Court.

Learned counsel submits that in the earlier counter affidavit the amount shown was Rs. 4,41,427/- whereas today on the head of the difference of pay and allowances the amount shown is only Rs. 44,142/- and the figure in the earlier counter affidavit was inadvertently written.

Learned counsel for the petitioner submits that he is entitled to interest for payment after almost 11 years. For such proposition he has relied on a decision of the Hon'ble Supreme Court in case of **S.K. Dua v. State of Haryana** reported in **AIR 2008 S.C. 1077**.

Learned counsel for the State submits that the petitioner till date has not submitted the statutory form for payment of the aforesaid amount and because of the observation of the Court to pay the gratuity and leave encashment, without insisting of such formality, the cheque has been prepared. However, it is requested that the petitioner may appear and complete the formality. As far as interest is concerned, learned counsel submits that there is no laches on the part of the respondents since in the case before the Hon'ble Supreme Court the concerned employee had already completed the formality and still payment was not made whereas in the present case till date the formality as per the form-I of the Gratuity Act has not been filed by the petitioner.

Learned counsel for the petitioner accepts the cheque of Rs. 64,085/- dated 09.07.2015 bearing No. 476366

in favour of the petitioner which is being received by the learned counsel for the petitioner. Learned counsel for the petitioner submits that he was not aware of this plea on behalf of the respondent Bank with regard to not having completed the formalities. Learned counsel for the Bank has referred to the rejoinder filed on behalf of the petitioner himself dated 27.08.2013 in which copy of the letter dated 05.03.2008 itself shows that he was communicated with regard to sending application for payment of difference amount of gratuity.

In that view of the matter, the Court is not inclined to keep the matter pending. Accordingly, the same stands disposed off.

The petitioner shall also be obliged to send the required statutory application form after going to the Bihar Gramin Bank Head Office at Begusarai within three weeks from today to complete the formalities.

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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