

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD
WRIT PETITION NO.7525 OF 2013

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.P.S.Pawar, advocate for the petitioners.
Mr.K.S.Patil, Asstt. Govt. Pleader for the State.
Mr.G.B.Rajale, advocate for Respondent Nos.2 and 3.
Mr.S.D.Kotkar, advocate for Respondent No.5.
Mr.R.K.Temkar, advocate for Respondent No.3.

**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA, JJ.**
Date : 20.01.2015.

PER COURT :

1. Heard.
2. The petitioner claims interest on the late payment of the amount of gratuity.
3. Mr.Pawar, learned counsel submits that petitioner on attaining the age of superannuation retired on 31.5.2012 and on 1.6.2012, the petitioner signed all the necessary documents, however, the gratuity is paid only on 2.4.2013. The petitioner is entitled for the interest at the rate of Rs.12% p.a.
4. Mr.Temkar, learned counsel submits that the contribution was not made by the Bank as is laid down under the Statute. The Respondent employer had to borrow loan for payment of the

gratuity amount. According to the learned counsel, the petitioner has a remedy under the Payment of Gratuity Act.

5. The dates as narrated above are not disputed. The Respondent employer is required to make the payment of the amount of gratuity within a period of 30 days from the date of retirement. The delay is of 9 months in making payment of gratuity. The reason given is of financial constraint on the part of the Respondents in making the payment. The other difficulties are also put forth i.e. non contribution from the other agencies.

6. Be that as it may, it has been consistently held that retiral benefits are not bounty. There was no legal impediment for making the payment within 30days. Considering the fact that amount of gratuity is paid less, so also considering the fact that the Respondents were under financial constraint, to balance the equity, we pass the following order :

a) The Respondent employer shall pay interest at the rate of Rs.6% p.a. on the amount of gratuity for the period 1.7.2012 to 31.3.2013. The said payment of the amount of interest as directed shall be made within a period of four (4) months from the date of this order.

b) The Writ Petition is disposed of. No costs.

(V . L . ACHLIYA, J .)

(S . V . GANGAPURWALA, J .)

Dt..20.01.2015.
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