

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

Writ Petition No. 6167 of 2015

(Wasudeo S/o Sakharam Shinde Vs. Central Bank of India, through its
Chairman and Managing Director, Mumbai and ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Shri O. Y. Kashid, Advocate for the petitioner

**CORAM : Smt. Vasanti A. Naik and
Prasanna B. Varale, JJ.**

DATE : 16-12-2015.

Heard.

By this petition, the petitioner seeks a direction to the respondent – Bank to release the unpaid *ex gratia* amount to the petitioner as per the provisions of Voluntary Retirement Scheme, 2001 with interest at the rate of 18% per annum.

The brother of the petitioner, who was working in the respondent – Bank had sought voluntary retirement and the bank permitted the brother of the petitioner to voluntary retire from service by allowing his application. It is stated that though certain amount was paid to the petitioner towards the *ex gratia* claim as per the Scheme of 2001, some amount remained to be paid. According to the petitioner, the unpaid *ex gratia* amount has been received by the petitioner during the pendency of the writ petition. The petitioner is only seeking interest on the said amount.

.....2/-

We are not inclined to entertain the writ petition for the prayer for interest on the delayed payment of *ex gratia* amount that stands paid to the petitioner during the pendency of the writ petition. Though the petitioner claims to be the only legal heir of the deceased employee, it is informed by the learned counsel for the petitioner that the widow of the deceased employee is still living. It is stated that the petitioner is basing his claim for the amount on a will that is annexed to the petition. Though it is submitted that the petitioner would be entitled to interest on the belated payment of *ex gratia* claim, nothing has been pointed out by the petitioner in the scheme of 2001 to show that interest is payable if the payment is delayed.

In the circumstances of the case, we dispose of the writ petition with no order as to costs.

JUDGE

JUDGE

wasnik

...../-