

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16817 of 2016

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Ganesh Lal Son of Late Bankey Lal resident of A - 16, Anand Vihar, Anishabad,
P.S. Phulwarisharif, District - Patna

.... Petitioner/s

Versus

1. The Chairman, Bihar State Power Holding Company Ltd., Patna
2. Bihar State Power Holding Company Ltd., Patna
3. The Director (Administration), Bihar State Power Holding Company Ltd., Patna
4. The Secretary, Bihar State Power Holding Company Ltd., Patna
5. The Managing Director, South Bihar Power Distribution Company Ltd., Patna
6. The Deputy General Manager (Accounts), South Bihar Power Distribution Company Ltd., Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prashant Sinha, Advocate

For the Respondents : Mrs. Nivedita Nirvikar with
Mr. Manoj Kumar, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 20-07-2018

Heard learned counsel for the petitioner and Bihar State
Power Holding Company Limited.

2. The petitioner had moved the Court for the following
reliefs:

*“(i) For necessary direction upon the respondent
authorities to pay statutory interest @ 12 @ 12%
per annum upon the amount of gratuity, which was
paid after almost thirteen months from the date of
retirement of the Petitioner.*



(ii) For any other direction, which your Lordship may deem fit and proper in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submitted that in a similar matter in the case of **Ram Bilas Chaudhary Vs. The Bihar State Electricity Board & Ors.** in C.W.J.C. No. 22164 of 2012, a co-ordinate Bench of this Court, by order dated 07.02.2013, had granted 12% interest on the late payment of retiral dues, including Gratuity. It was submitted that the petitioner superannuated on 31.01.2014 and Gratuity was paid to him on 11.02.2015 and, thus, for the said period, interest be granted to him.

4. Learned counsel for the respondents submitted that the said order has been modified by the Division Bench in L.P.A. No. 622 of 2013, by order dated 16.04.2014, to the extent that the same has been restricted only to the petitioner of that case, for the reason that the order passed in a case binds the parties only and normally has no universal application, and further, that the grant of interest is in the discretionary jurisdiction and that no reason has been assigned by the learned Single Judge to make such order applicable in all cases. It was submitted that in the present case the petitioner, after receiving the amount of Gratuity in February, 2015, only on the basis of such order, has moved the Court after more than one and a half years and has filed



the writ petition only in October, 2016.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find it to be a fit case for award of interest. The petitioner got his Gratuity within 13 months of his superannuation. Moreover, being satisfied, he did not choose to move the Court for more than one and a half years and only on the basis of the judgment passed in the case of **Ram Bilas Chaudhary** (supra) he filed the present writ petition. Further, in the case of **Ram Bilas Chaudhary** (supra), the Court has noted that after superannuation, the petitioner was not granted Gratuity, Earned Leave, Encashment and G.P.F., due to which he had filed the writ petition. In the present case, if the petitioner had also moved the Court prior to him receiving Gratuity, the Court may have had an occasion to consider awarding interest, but after receiving the same in February, 2015 and then moving the Court only in late 2016 based on the order in **Ram Bilas Chaudhary** (supra), and that too, for interest only, does not persuade the Court to interfere in the matter.

6. In view thereof, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

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