

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18362 of 2019

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Hari Nath Thakur, aged about 69 years (Male), Son of Late Shambhu Nath Thakur, Resident of Mohalla- Jogipur, Police Station- Patrakarnagar, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of M.S.M.E. Udyog Bhawan, New Delhi- 110011.
2. The Secretary, Department of M.S.M.E. Udyog Bhawan, New Delhi- 10011.
3. The Chairman-Cum-Managing Director, The National Small Industries Corp. Ltd. N.S.I.C. Bhawan, Okhla Ind. Estate, New Delhi- 10020.
4. The Zonal General Manager N.S.I.C. Ltd. Zonal office (South-I) 422 Anna Sali, Chennai- 600006.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate
Mr. Vivek Kumar, Advocate
For the Respondent/s : Mr.S.D. Sanjay (Addl.S.G.)
Mr. Rajesh Kumar Verma, A.S.G.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-09-2019

Heard learned counsel for the petitioner.

2. A two fold argument has been advanced by Shri



Jha contending that firstly the petitioner is entitled to the interest on the emoluments that were payable to him and secondly there were certain documents which were required to be released and that have not been released.

3. Instead of going in detail, we may extract the entire order passed by the Tribunal hereinunder:-

“Per Jayesh V. Bhairavia, M[J]:-
M.A./050/00356/2017 has been filed by the applicant for restoration of O.A. is allowed. M.A. stands disposed of.

Heard the parties in O.A.

The case of the applicant is for a direction to grant of withheld gratuity. It is noticed that the appropriate authority i.e. Appellate Authority under Gratuity Act vide order dated 21.01.2017 (Annexure-A/6) whereby relief for grant of gratuity was decided in favour of the applicant. Therefore, the claim of the applicant for direction in this regard is not maintainable. Other prayers with regard to interest on Gratuity, Leave Encashment cannot be entertained at this belated stage. Since the applicant has already received amount of Gratuity and Leave Encashment long back and he retired on 31.12.2010, as such, O.A. is lack of merit.

However, the applicant has contended that he has limited prayer for grant of other



retiral dues and release of withheld his land deed paper and some part of payment of gratuity only because pendency of this O.A., the same was not considered and released by the respondents.

We made it clear that there is nothing pending to be decided on in this Tribunal, hence, this O.A. is disposed of. It is open for the respondent authorities to release his documents, if pending only because of pendency of this O.A.

With the aforesaid observations, the O.A. is disposed of. No costs.”

4. On deliberations we have not been informed of any such provision under which the interest as claimed would be payable. In the absence of any such statutory provision having been pointed out, the Tribunal was justified in declining the said relief for the reasons given in the order itself. We find no reason to differ from the same.

5. So far as the release of documents are concerned, it appears that it was on account of the pendency of the Original Application that the documents have not been released. The documents are probably with some authority at Kolkata. The respondents are directed to issue necessary instructions for release of the said documents in accordance with the rules not later than one month from today.



6. The writ petition is accordingly consigned to records with the aforesaid observations.

(Amreshwar Pratap Sahi, CJ)

(Ashutosh Kumar, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	06.09.2019
Transmission Date	

