

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5347 of 2019

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Bisheshwar Prasad, aged about 65 years, Male, S/o Late Baleshwar Prasad, At present resident of Village- Bulakipur, P.S. Dalsingsarai, District- Samastipur.

... .. Petitioner/s

Versus

1. The Bihar State Power Holding Company, through Chairman-cum-Managing Director, Bidhut Bhawan, Bailey Road, Patna.
2. The Director, Terminal Benefits, Bihar State Power Holding Company Ltd., Bidhut Bhawan, Bailey Road, Patna.
3. The General Manager (HR) North Bihar Power Distribution Co. Ltd. Bidhut Bhawan, Bailey Road, Patna.
4. The Deputy General Manager (HR-Administration) North Bihar Power Distribution Co. Ltd, Bidhut Bhawan, Bailey Road, Patna.
5. The Deputy General Manager cum Electrical Superintending Engineer, Koshi Electric Supply Area, Saharsa.
6. The Electrical Superintending Engineer, Electric Supply Circle, Purnea.
7. The Accounts Officer, Electric Supply Circle, Purnea.
8. The Electrical Executive Engineer, Electric Supply Division, Purnea.
9. The Assistant Electrical Executive Engineer, Electric Supply Sub-Division, Banmankhi, District- Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Sinha
For the Respondent/s : Mr.Vinay Kirti Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-06-2020 Heard Mr. Ranjan Kumar Sinha, the learned counsel appearing on behalf of the petitioner and Mr. Vinay Kirti Singh, the learned Senior Counsel for North Bihar Power Distribution Company Limited through video conferencing.

The petitioner in this writ petition seeks direction to the respondents (i) to pay interest of delayed payment of gratuity to the petitioner for the period of the year 2010 to till



the date of payment and (ii) for any other relief/reliefs for which the petitioner is found entitled to.

Admitted facts are that the petitioner retired from his service on 30th November, 2010 from the post of Account Assistant from Electric Supply Sub-Division, Banmankhi but he was not paid any retiral benefits. The petitioner filed CWJC No.829 of 2015 and the same was disposed of on 27.03.2012 (Annexure-1) with a direction to the petitioner to file representation before the respondents and after examination, the respondents shall pass order on entitlement of the petitioner to get the retiral dues. If the petitioner is found entitled for retiral dues, the same shall be given within five weeks thereafter. Thereafter the petitioner filed M.J.C. No.2588 of 2013 and the same was also dismissed on 05.03.2014 but liberty was given to the petitioner to ventilate his grievance with regard to non-payment of statutory interest/deficient payment of the dues, if any, before the appropriate authority/forum in accordance with law. In pursuance thereof when the respondents did not pay any interest on G.P.F., G.S.S., the petitioner again filed CWJC No.2783 of 2015 and after hearing both sides, the writ petition was dismissed with observation that the petitioner should approach the competent authority of the Company for getting



the calculation of payment of interest on the amount in question and if it is found that the petitioner has not been paid certain amount of interest, though payable by way of statutory interest, the authority will look into this aspect and also do the needful strictly in accordance with law (Annexure-3). The petitioner filed representation but the same was not disposed of. Again the petitioner filed the present writ petition for direction for payment of statutory interest on the amount of gratuity and other retiral benefits.

North Bihar Power Distribution Company Limited filed counter affidavit. The stand of the Company is that the representation of the petitioner has already been disposed of by order dated 04.05.2019 (Annexure-A) and it was found that statutory interest on gratuity and other retiral benefits have already been paid to the petitioner and the petitioner is not at all entitled to get any amount in the head of statutory interest.

Learned counsel for the petitioner submits that the petitioner is entitled to get statutory interest in the payment of gratuity till the date of payment but the same has not been paid.

Mr. Vinay Kirti Singh, the learned Senior Counsel for the Company referring Annexure-A submits that the petitioner could not be able to show that any amount in the head of



statutory interest is still lying due against the Company. The General Manager, Human Resources-cum-Administration after taking into consideration all the facts put forth by the petitioner rejected the petition of the petitioner for payment of statutory interest.

Having considered the facts, I find that this is the third attempt made by the petitioner for direction to the respondents to pay interest on the delayed payment of gratuity. It appears that this Court vide order dated 16.02.2015 directed the petitioner to present his case for grant of statutory interest on delayed payment of gratuity. The General Manager, North Bihar Power Distribution Company Limited by order dated 04.05.2019 rejected the representation of the petitioner holding that all the statutory interest has already been paid to the petitioner and the petitioner is not entitled to get any further interest.

Thus, I find that this petition is de void of any merit and accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

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