

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.10 of 2021

In
Civil Writ Jurisdiction Case No.11443 of 2019

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1. A.N. Sinha Institute of Social Studies, Patna through its Registrar.
 2. Director, A.N. Sinha Institute of Social Studies, Patna.
 3. Registrar, A.N. Sinha Institute of Studies, Patna.

... .. Appellant/s

Versus

1. Ramesh Prasad Sinha Son of Late N.P Sinha, resident of Opposite Aangan Apartment, Congress Maidan Road, Phulwari, Kadamkuan, District - Patna, Pin - 800003.
2. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
3. Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjeev Kumar, Adv
For the State	:	Mr.Ajay Kumar Rastogi (AAG 10)
For the respondent no.3	:	Mr. Arun Kumar Arun, Adv

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-11-2021

Heard learned counsel for the parties.

Appellants have prayed for the following relief(s):-

“ That this Letters Patent Appeal is directed against judgment and order dated 17.06.2020 passed in CWCJ No. 11443 of 2019 (Ramesh Prasad Sinha versus The State of Bihar & Ors) by Hon’ble Mr. Justice Anil Kumar Upadhyay by which His Lordships was pleased to dispose of the writ application with the direction to the respondent A.N. Sinha Institute to pay interest in terms of the provisions of Sections 7(3) and (3A) of the Payment of Gratuity Act, 1972 on delayed payment of

gratuity of Rs. 2,50,000/-. The payment of interest must be made to the petitioner within a maximum period of three months from the date of receipt/production of a copy of this order.”

Learned counsel for the Appellants in the presence of learned counsel for the respondents submit that this case is squarely covered by a judgment of this Court dated **16.09.2021** passed in **LPA No. 312 of 2020, titled as A.N. Sinha Institute of Social Studies and Anr Vs. Bipin Bihari Mandal and Ors**, and said contention is not disputed by learned counsel for the respondents, as such present writ petition is disposed of in same terms of the judgment dated 16.09.2021, which is quoted hereinbelow:-

“This appeal is directed against the judgment/order dated 17.06.2020 passed in C.W.J.C. No. 11042 of 2019, titled as Bipin Bihari Mandal Vs. The State of Bihar & Ors., by a learned Single Bench of this Court.

It is not in dispute that the amount of gratuity was also due and payable to the employee along with other dues. The total sum of Rs. 2,50,000/- was not paid within time.

As such, we do not find any fault with the impugned judgment/order whereby the writ petitioner is held entitled to the component of interest thereupon.

The appeal is dismissed on merits, more so in view of the law laid down in **Jogendrasinhji Vijaysinghji**

Vs. State of Gujarat and others, (2015) 9 SCC 1.

Interlocutory application, if any, shall also stand disposed of.”

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA