

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.369 of 2009

B.K. Gupta, S/o Late B.N. Gupta, aged about 64 years, retired Assistant Manager / Pratinitykti General Manager, Zila Sahakari Krishi Aur Gramin Vikas Bank Maryadit, Ambikapur, R/o Behind Amar Petrol Pump, Tahsil Ambikapur, District Surguja (C.G.)

---- Petitioner

Versus

1. Chhattisgarh Rajya Sahakari Krishi Aur Gramin Vikas Bank Maryadit, through its Managing Director, Chhattisgarh Rajya Sahakari Krishi Aur Gramin Vikas Bank Maryadit, B-Block, 1st Floor, RDA Building, Sharda Chowk, Raipur (C.G.)
2. Assistant Manager (Accounts), Chhattisgarh Rajya Sahakari Krishi Aur Gramin Vikas Bank Maryadit, B-Block, 1st Floor, RDA Building, Sharda Chowk, Raipur (C.G.)
3. Regional Commissioner, Regional Provident Fund Office, Navbharat Complex, Rajbandha Maidan, Tahsil & District Raipur (C.G.)
4. Chhattisgarh Rajya Sahakari Bank Maryadit, Raipur through its Managing Director, Chhattisgarh Rajya Sahakari Bank Maryadit, Raipur, Sahkar Bhawan, Plot No.74, Sector-24, Naya Raipur, Atal Nagar, Raipur, C.G.-492002

---- Respondents

 For Petitioner: Ms. Priyanka Mehta, Advocate.
 For Respondents No.1 and 2: -
 None present, though served.
 For Respondent No.3: Mr. Sunil Pillai, Advocate.
 For Respondent No.4: Mr. Jitendra Shrivastava and Mr. Gary
 Mukhopadhyay, Advocates.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

16/08/2021

1. Proceedings of this matter have been taken-up through video conferencing.
2. This writ petition has been preferred for payment of interest on the amount of gratuity and the amount of leave encashment paid with delay.

3. Ms. Priyankta Mehta, learned counsel appearing for the petitioner, would submit that gratuity was paid to the petitioner on 17-10-2008 and leave encashment was paid on 6-9-2008, therefore, the petitioner is entitled for interest on the amount of gratuity and the amount of leave encashment from 31-10-2003 i.e. the date of his retirement.
4. Mr. Jitendra Shrivastava and Mr. Gary Mukhopadhyay, learned counsel appearing for respondent No.4 would submit that pursuant to the order passed in W.P.No.744/2005 vide Annexure P-6 dated 3-7-2008, gratuity has been paid on 17-10-2008 and leave encashment has been paid on 6-9-2008 after adjustment the amount of ₹ 65,918-40 ps. which was found recoverable from the petitioner.
5. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also went through the record with utmost circumspection.
6. This Court in W.P.No.744/2005 held as under: -
 - “3. Shri Agrawal further submits that the enquiry has been concluded. A sum of Rs. 65,918.40 is found recoverable from the petitioner (Annexure P/6).
 4. Shri Khetrapal, learned counsel appearing for the petitioner submits that the petitioner is agreeable for deduction of a sum of Rs. 65,918.40 and the remaining amount may be released to the petitioner, as early as possible. Shri Agrawal submits that the balance amount shall be released to the petitioner within a period of four weeks.”
7. In view of the aforesaid order, the amount of gratuity and the amount of leave encashment after adjusting ₹ 65,918-40 ps. could have been paid within 4 weeks from the date of order i.e. 3-7-2008, on or before 1-8-2008, however, gratuity has been paid on 17-10-2008 and leave encashment has been paid on 6-9-2008. Therefore, the petitioner would only be entitled for interest on the said amount of gratuity from

1-8-2008 to 17-10-2008 and on the amount of leave encashment from 1-8-2008 to 6-9-2008 at the rate of 10% per annum on the said amount. Respondent No.4 Bank is directed to calculate the said interest and disburse the same to the petitioner within three weeks from today.

8. With the aforesaid observation and direction, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma