

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPL No.6 of 2014**

- Nageshwar Mandal, S/o Late Shri D. Mandal, Aged About 63 Years, R/o Qtr. No.1-b/248, Bishrampur Colliery, Post Bishrampur Colliery, PS Bishrampur, Distt. Surguja (Surajpur), Chhattisgarh

---- Petitioner**Versus**

1. The General Manager, Bishrampur, Area of SECL, Post-Bishrampur Colliery, Distt. Surguja, Chhattisgarh
2. The Appellate Authority and the Regional Labour Commissioner (Central), Raipur, Chhattisgarh
3. The Controlling Authority Under the Payment of Gratuity Act, 1972 and The Assistant Labour Commissioner (Central), Torwa, Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	Mr. Vivek Sharma, Adv.
For Respondent No.1	Mr. Vivek Verma, Adv.
For Respondent Nos.2 & 3	None

Hon'ble Justice Shri Sanjay K. Agrawal**Order On Board****23/09/2021**

1. The petitioner by way of this writ petition claims interest on the gratuity paid to the

petitioner. The petitioner retired from service on 30.04.2011, but when the gratuity amount was not paid to him, he filed an application before the respondent No.3, the Controlling Authority on 19.11.2011. The Controlling Authority vide order dated 29.02.2012 (Annexure-P/4) directed the respondent No.1 to pay the amount of gratuity of Rs.7,50,949/- along with simple interest @ 10% per annum on the total gratuity of Rs.7,50,949/- to the petitioner from 01.05.2011 to the date of actual payment, against which the respondent No.1 preferred an appeal before the respondent No.2, which was dismissed vide order dated 22.02.2013 (Annexure-P/6) affirming the order of the Controlling Authority and now the petitioner has preferred the present petition claiming interest on the gratuity.

2. Mr. Vivek Sharma, learned counsel for the petitioner, would submit that though the petitioner has received the amount of gratuity of Rs.8,26,044/- on 24.05.2013 vide Annexure-P/7, the interest on the gratuity has not been

paid to the petitioner. Therefore, the respondent No.1 may be directed to release the interest amount on the gratuity.

3. Mr. Vivek Verma, learned counsel for the respondent No.1, would submit that from 01.05.2011 to 08.06.2012, the amount of interest on the gratuity has already been paid to the petitioner but since thereafter the interest on the gratuity has not been paid.
4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.
5. Be that as it may, since the petitioner has received the amount of Rs.8,26,044/-, but the entire interest on the gratuity amount of Rs.7,50,949/- has not been paid to him from 01.05.2011 to the date of actual payment i.e. 24.05.2013, therefore, the respondent No.1 SECL is directed to calculate the remaining interest at the rate of 10% per annum on the gratuity as per interest specified and make payment thereof to the petitioner within 45

days from today.

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

Sd/-
Sanjay K. Agrawal
Judge

Nirala