

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8336 of 2021

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Arvind Kumar Son of Late Ram Gulam Mahto Resident of Village Lagunia,
Raghukanth, P.S. - Samastipur, District- Samastipur.

... .. Petitioner/s

Versus

1. The General Manager, Human Resources (Administration), North Bihar Power Distribution Company Ltd. Vidyut Bhawan, Bailey Road, Patna 800001
2. The Vidyut Executive Engineer, Electric Supply Division, Barauni.
3. The Assistant Electric Engineer, Electric Supply Sub Division, Bachchhbara, District- Begusarai.
4. The Collector, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Subhash Chandra Bose, Advocate
For the Respondent/s : Mr.Kunal Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 09-05-2022

Heard learned counsel for respective parties.

In the instant petition, petitioner has prayed for the following reliefs:-

“For issue of writ of mandamus directing the Respondent authorities to make payment to the petitioner the post retiral dues of his mother Pramila Devi who died on 21.08.2019 during the period of her service as Peon (Messenger) in the Respondent Electricity Board after making proper calculation of the said post retiral dues of Late Pramila Devi such as P.F., Gratuity, Leave Encashment etc.”

The respondents have filed counter affidavit. In para 7 to 9 it is stated as under:-



“7. That it is relevant to state here that after the death of Late Pramila Devi the amount of GSS was approved from the office of Electric Executive Engineer, Electric Supply Division, Barauni vide office order No. 51 dated 18.06.2020 and pursuant to which an amount of Rs. 1,55, 563/- was transferred in the bank account of the petitioner.

8. That so far as the amount of earned leave is concerned, the approval for the payment of the earned leave amount has already been made vide office order No. 61 dated 24.06.2020.

9. That it is relevant to state here that so far as the amount of Gratuity, GPF amount as well as leave encashment is concerned, the approval for the payment of the said amount has already been sent through the office of Electric Executive Engineer, Electrical Supply Sub-Division, Barauni vide Office Letter No. 808 dated 27.05.2020 along with all the documents to the office of Superintending Engineer, Electrical Supply Block, Begusarai and therefore the payment of death-cum-Gratuity of Rs. 20 Lakh was paid through Cheque No. 293842 dated 13.08.2021 as well as the amount of Leave Encashment of Rs. 5,90,566/- (Rupees Five Lakh Ninety Thousand Five Hundred Sixty Six only) was also paid through Cheque No. 293857 dated 15.08.2021.”

In the light of the above facts whether the petitioner is entitled to interest on belated settlement of retirement dues or not?



The petitioner is entitled to all dues of the deceased employee who died on 21.08.2019 within a reasonable period of time of three months, if the same is not taken into consideration, official respondents should have settled all retiral dues whereas perusal of para 7 to 9 it is evident that every payment is belated one, therefore, the petitioner is entitled to interest on belated dues in the light of decision of Hon’ble Apex Court in the case of *Vijay L. Mehrotra Vs. State of Uttara Pradesh and others* reported in *2001 9 SCC 687*.

In the light of Hon’ble Apex Court decision the official respondents are hereby directed to calculate interest @ 8% per annum from 1st December, 2019 till actual payment is made with reference to deceased employees as stated in para 7 to 9 in the counter affidavit. Interest @ 18% in terms of the aforesaid decision if not entitle in view of rate of interest in the Banking Sector. Interest shall be calculated and disbursed within a period of three months from the date of receipt of this order.

With the aforesaid observations, the present petition stands disposed off.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

