

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.980 of 2021

In

Civil Writ Jurisdiction Case No.11188 of 2018

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Mundrika Sahu S/o Late Jagannath Sahu resident of 8 L-1 Bahadurpur Housing Colony, Sector 8 Zoological Survey of India, Bahadurpur Housing Colony, P.S. Agam Kuan, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Sri. Chaitanya Prasad Principal Secretary Urban Development and Housing Department having his office old Secretariat, P.S. Sachivalaya, District Patna.
2. The Bihar State Housing Board through Sri Raman Kumar the Managing Director Bihar State Housing Board having his office at 6 Mangles Road, P.S. Sachivalaya, District Patna.
3. Sri Ajit Kumar Singh the Secretary, Bihar State Housing Board having his office at 6 Mangles Road, P.S. Sachivalaya, District Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vikas Mohan, Advocate
For the Opposite Party/s	:	Mr. Yogendra Prasad Sinha (AAG-7)
		Mr. Rajiv Kr. Sinha, AC to AAG-7
For the B.S.H.B.	:	Mrs. Binita Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 21-09-2022 The present petition has been filed for initiating contempt proceedings against the opposite parties for disobedience of the order of this Court dated 13.01.2021 passed in CWJC No. 11188 of 2018, whereby and whereunder the opposite parties herein have been directed to forthwith calculate and pay interest on the delayed payment of gratuity.

The learned counsel for the petitioner has submitted that the opposite parties have not paid interest on account of



delayed payment of the balance amount of gratuity totalling to a sum of Rs. 6,50,000/-.

The opposite parties have filed a show cause wherein it has been stated that the respondent-Bihar State Housing Board, in its 253rd meeting held on 27.02.2017 had taken a decision to grant approval to the proposal of payment of enhanced gratuity with an outer limit of Rs. ten lacs (Rs. 10,000,00/-), in place of the earlier limit of Rs. 3,50,000/-, however, a conscious decision was taken that the said enhanced amount of gratuity would be paid when the financial condition of the Board becomes stable, hence the said enhanced gratuity amounting to a sum of Rs. 6,50,000/- was paid to the petitioner vide Board's letter dated 01.08.2019, whereupon interest was calculated @ 9 per cent on the delay period of 29 months, totalling to a sum of Rs. 1,41,375/- and the same was directed to be paid vide letter dated 05.09.2022, which was finally credited in the account of the petitioner on 06.09.2022.

Having regard to the facts and circumstances of the case, this Court finds that the writ petition bearing CWJC No. 11188 of 2018, was filed by the petitioner for directing the respondents to pay the balance amount of Rs. 6,50,000/- on the head of gratuity and apparently, as is decipherable from the



order passed in the said writ petition dated 13.01.2019, it had been submitted by the learned counsel for the petitioner that though the said sum of Rs. 6,50,000/- has stood paid during the pendency of the said writ petition, however, the interest on the delayed payment of the same has not been paid, hence this Court had directed for payment of interest as per the judgment rendered by the Hon'ble Apex Court in the case of ***D.D. Tewari(D) through Lrs. Vs. Uttar Haryana Bijli Vitran Nigam Limited & Ors.*** reported in ***(2014) 8 SCC 894***. This Court further finds that the Bihar State Housing Board had taken a policy decision with regard to payment of enhanced gratuity having an outer limit of Rs. ten lacs (Rs. 10,00,000/-), in the 253rd meeting of the Board held on 27.02.2017 and the balance amount of gratuity of Rs. 6,50,000/- was paid to the petitioner on 01.08.2019, thus the opposite parties have rightly calculated interest for 29 months @ 9 per cent per annum to the tune of Rs. 1,41,375/- and paid the same to the petitioner in compliance of the order of this Court dated 13.01.2021.

It is needless to state that the opposite parties have paid interest @ 9 per cent per annum on the delayed payment of gratuity amount, as aforesaid, however, since the order of this Court dated 13.01.2021 did not contain any default clause



leading to payment of interest at a higher rate, this Court does not find any disobedience on the part of the opposite parties, as far as the order of this Court dated 13.01.2021 is concerned or for that matter compliance of the ratio of the judgment rendered by the Hon'ble Apex Court, in the case of D.D. Tewari (Dead) through Lrs (supra), is concerned.

Having regard to the aforesaid facts and circumstances of the case, this Court is satisfied that the order of this Court dated 13.01.2021 passed in CWJC No. 11188 of 2018, has stood complied with, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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