

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10429 of 2018

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Surendra Prasad Sinha S/o Late Sarju Prasad Sinha, permanent resident of Village- Basdehan, P.S. Kargahar, District- Rohtas Sasaram at present resident of K- 583, Lohiyanagar, P.S.- Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The Bihar State Housing Board Through The Managing Director and Ors
2. The Secretary, Bihar State Housing Board having his office at 6 Mangles Road, P.S. Sachivalaya, Dis
3. The Divisional Manager, Life Insurance Corporation of India having his office at Fraser Road, P.S.-Kotwali, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikas Mohan, Advocate
For the Respondent/s : Mr. Anil Kumar Sinha, Advocate

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

Date : 02-02-2022

This matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 Pandemic.

In the instant petition, petitioner has prayed for the following relief(s):-

“For issuance of writ in the nature of mandamus directing the respondents to pay the remaining amount of gratuity i.e. Rs. 6,50,000/- with interest at the rate of 18% per annum from due date till the actual payment is made as the petitioner has received Rs. 3,50,000 towards gratuity amount but the petitioner is entitled for Rs. 10,00,000 towards gratuity as per policy taken by the Board in the light of sixth pay revision



committee report and in the light of policy decision other retired employee have been sanction and paid Rs. 10,00,000 towards gratuity amount.”

The petitioner has attained age of superannuation and retired from service on 31.08.2013. He is entitled to gratuity amount of Rs. 10,00,000/-. However, it was extended only Rs. 3.5 Lakhs. During pendency of the present petition the petitioner has been paid remaining Rs. 6.5 Lakhs on 01.08.2019. Thus, what remains in the present petition is whether the petitioner is entitled to interest on the date of gratuity amount paid on 01.08.2019 or not?

Undisputedly, the respondents have not disbursed gratuity amount of Rs. 10,00,000/- within a period of three months from the date of his retirement 31.08.2013 pursuant to the Government Notification dated 27.05.2013 the date on which gratuity amount has been enhanced from Rs. 3.5 Lakhs to Rs. 10,00,000/-. Therefore, the petitioner is entitled to interest on gratuity amount @ 6% annum from 01.12.2013 to 01.08.2019. The same shall be calculated and disbursed in favour of the petitioner within a period of three months from the date of receipt of this order.



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

(P. B. Bajanthri, J)

Vikash/-

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

