

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10819 of 2018

Rama Shankar Singh Yadav, S/o- Late Guljar Singh Yadav, Resident of
Village- Chatusalganj, P.S.- Dumraon, District- Buxar.

... .. Petitioner/s

Versus

1. The Department of Energy through the Principal Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Department of Energy, Govt of Bihar, Patna.
3. The Bihar State Hydro Electric Power Corporation Limited through its Managing Director, Patna.
4. The Managing Director, Bihar Hydro Electric Corporation Limited Sone Bhawan, 2nd Floor, Birchand Patel Marg, Patna
5. The Manager Personnel and Administration Bihar State Hydroelectric Power Corporation Ltd. Sone Bhawan, 2nd Floor, Birchand Patel Marg, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Brij Bihari Tiwary, Advocate
For the Respondent/s	:	Mr. Rakesh Ambastha, AC to AAG- 7
For the Corporation	:	Mr. Mritunjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 10-11-2022

Heard Mr. Brij Bihari Tiwary, learned counsel for the petitioner, Mr. Rakesh Ambastha, learned AC to AAG-9, and Mr. Mritunjay Kumar, learned counsel for the Bihar State Hydroelectric Power Corporation Ltd. (hereinafter referred to as 'the Corporation').

2. The present writ application has been filed seeking a direction upon the respondents for payment of leave encashment and gratuity along with interest @ of 18% per annum to the petitioner, as the same has not been paid.

3. Learned counsel for the petitioner submits that the petitioner was appointed as 'Typist' in the service of the



Corporation on 05.08.1986 and after serving more than 30 years, he superannuated from the post of Accountant on 31.01.2017. It is further contended that though the petitioner superannuated way back in the year 2017, the payment under the head of gratuity was made on 30.07.2018 and the payment under the head of Group Insurance was made on 21.08.2018. He further submitted that the amount under the head of Leave Encashment has also been made available to him on 03.01.2019. He further submits that admittedly there is delay in ensuring payment under the head of gratuity, group insurance and leave encashment and, as such, the petitioner is entitled to interest upon the aforesaid delayed payment amount.

4. In support of his submission, learned counsel for the petitioner relied upon the judgment of the Division Bench of this Court rendered in the case of the **Vice Chancellor, Tilka Manjhi Bhagalpur University & Ors. Vs. Dr. Hari Shankar Prasad Singh & Anr.**, reported in **2015 (3) PLJR 191**. He further relied upon the judgment of a Co-ordinate Bench of this Court dated 17.10.2019, passed in the case of **Shiv Shankar Lal Vs. The State of Bihar & Ors.** (C.W.J.C. No. 18813 of 2017).

5. On the other hand, learned counsel appearing on behalf of the Corporation submitted that all the retiral dues of the petitioner have stood paid. He further submitted that after making proper calculation, the amount under the head of gratuity, leave



encashment and group insurance have been paid to the petitioner in the year 2018 and 2019 itself.

6. Be that as it may, since only grievance of the petitioner is left with regard to the interest over the delayed payment, this Court finds it appropriate and proper that the present writ application is disposed of with liberty to the petitioner to approach the respondent no.4 by filing a fresh representation annexing the necessary judgments/orders in support of his claim within a period of four weeks from today.

7. It is needless to say that if such representation is filed by the petitioner, the respondent no.4 shall consider his grievance with regard to the interest over the delayed payment taking into consideration the judgments/orders mentioned hereinabove and will pass a reasoned and speaking order preferably within a period of eight weeks thereafter.

8. It is made clear that if the petitioner is found entitled for any of the interest over the delayed payment, the actual payment would be made within the aforesaid period.

9. Accordingly, the writ application stands disposed of.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	14.11.2022
Transmission Date	

