

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8178 of 2023

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Shiv Kumar Sharma Son of Late Shiv Pujan Sharma, resident of village -
Khutaha, P.S. - Nasariganj, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The Central Bank of India through its General Manager, K.P. Mall, Buddh Marg, Near G.P.O. Patna.
2. The Chief Manager, C.P.P.C. Central Banak of India 2nd Floor M.M.O.D.L.D.G. Road Fort Mumbai.
3. The Regional Manager, Central Bank of India, Maurya Lok Complex, New Dak Bunglow Road Budh Vihar, Fraser Road, Patna.
4. The Chief Manager, Central Bank of India, G.T. Road, Sasaram.
5. The Branch Manager, Central Bank of India, Ward No. - 01, Sahu Market Nasariganj, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Maya Shankar Mishra, Advocate
For the Bank : Mr. Suresh Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 05-12-2023 Heard Mr. Maya Shankar Mishra and Mr. Suresh Mishra, learned counsel for the Central Bank of India.

2. The petitioner by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India filed the present writ petition, seeking a direction to ensure payment of gratuity amount of Rs. 3,14,480/- with compound interest, which amount was sent by the office of PCDA(pension) Principal Controller of defence accounts Allahabad to the respondent bank, to make payment of the same to the petitioner.



3. It is submitted on behalf of the petitioner that after performing the service of 28 years, he superannuated from the post of Havildar ACP-1 from Army on 31.03.2009 and after his retirement PPO was issued vide PPO No. 188200806109 and the office of Principal Controller of Defence Accounts (pensions) Allahabad sent the gratuity amount of the petitioner to the tune of Rs. 3,14,480/- to the Central Bank of India, vide letter No. 25.08.2021.

4. It is the admitted case that after receipt of the amount under the head of gratuity, the same has been paid to the petitioner except a part amount of Rs. 45,373/-. The aforesaid amount was though received in the bank on 02.01.2013 but on account of the non-communication of the same, the delay has occurred in ensuring the payment of the full and final death-cum-retirement gratuity.

5. A counter affidavit has been filed. It has fairly been submitted in paragraph no. 11 thereof that the PPO in question was issued mentioning therein for payment of difference of death-cum-retirement gratuity amount of Rs. 45,373/-, however, the same was inadvertently not paid at the time of receiving of the amount, but after verification obtained from main office, it has been paid to the petitioner.



6. Considering the fair stand of the bank and the submissions made on behalf of the petitioner, the respondent bank is directed to ensure the payment of statutory interest over the amount of Rs. 45,373/- from the date on which it was received till the date actual payment is made.

7. The aforesaid exercise must be done preferably within a period of 6 weeks from the date of receipt/ production of a copy of this order.

8. This disposes the writ petition.

(Harish Kumar, J)

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