

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 614 OF 2015

Mr.Mohan Mangesh Yardi Petitioner

Vs.

Bank of India Respondent

Mr.Sameer Kumbhakoni for the Petitioner

**CORAM: S.V.GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : MARCH 21, 2023

P.C.

1. The learned Counsel for the Petitioner submits that under the orders of this court passed on 28.09.2012 in Writ Petition No.2419 of 1996 filed by the Petitioner, the Respondent made payment of Gratuity and Provident Fund, however, did not pay the amount of interest. As per rules, the Petitioner is entitled for the interest for three years and same was also not paid. The interest was paid only from 25.02.1995 to 31.01.1997. The same is erroneous. The Respondents be directed to pay the amount of interest for the delayed payment of Provident Fund and Gratuity.

2. We have considered the submissions.

3. The Petitioner reproduced the prayer granted by this court

under order dated 28.09.2012 in Writ Petition No.2419 of 1996.

The same reads thus:

“this Hon’ble court may be pleased to set aside the order dated 22.02.1996 and held that the Petitioner is entitled to get the benefit of payment of the amount of gratuity and provident fund which have been illegally forfeited by the Bank.”

4. After this order was passed on 28.09.2012, the Petitioner was paid the amount of Provident Fund and Gratuity on 31.12.2012.

Some interest was also paid to the Petitioner.

5. The order of this court does not direct the Respondent payment of interest. The Petitioner at the relevant time also did not make the prayer.

6. It would be too late in the day now in the present Writ Petition to claim interest. The Petitioner ought to have claimed interest in the earlier Writ Petition bearing No.2419 of 1996. The Petitioner have not prayed for any interest nor the court have granted interest. It will not be open now for the Petitioner to agitate in respect of the same.

7. In light of that, Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)