

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 17924 of 2023

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Arun Kumar Mishra S/o Late Awadhesh Mishra Resident of B/27 Housing Colony, Lohiya Nagar Kankarbagh, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Deputy Labour Commissioner cum Controlling Authority (Gratuity Act), Niyojan Bhawan, Bailey Road, Patna.
2. The Bihar State Housing Board, through the Chairman, 6, Sardar Patel Marg Patna.
3. The Managing Director, Bihar State Housing Board, 6, Sardar Patel Marg, Patna.
4. The Secretary, Bihar State Housing Board, 6, Sardar Patel Marg, Patna.
5. The Divisional Manager, Life Insurance Corporation of India having its office at Fraser Road, P.S.- Kotwali, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Pandey, Advocate
For the Respondent/s	:	Ms. Pratibha, Advocate
For the L.I.C.	:	Mr. Sahil Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-01-2024 Heard Mr. Amit Pandey, learned counsel appearing on behalf of the petitioner and Ms. Pratibha, learned counsel representing the Bihar State Housing Board. Mr. Sahil Kumar, learned counsel for the Life Insurance Corporation of India is also present.

2. The petitioner who superannuated on 31.01.2015 from the post of Junior Accounts Clerk, Bihar State Housing Board has filed the present writ petition seeking a direction upon the respondent to ensure payment of statutory interest on gratuity amount of the petitioner on account of delayed pay-



ment.

3. It is submitted on behalf of the petitioner that other identically situated persons have been allowed the benefit of gratuity alongwith the statutory interest over the delayed payment of gratuity however, discrimination has been caused to the petitioner leading to filing of G.A. Case No. 2 of 2018 wherein the petitioner has been allowed the remaining amount of gratuity to the tune of Rs. 6,50,000/- on 24.05.2019, but no interest has been accorded over the delayed payment. Thus, the petitioner has further been compelled to file another case bearing G.A. Case No. 02 of 2021 for payment of interest.

4. It is further contended that pursuant to the order dated 03.11.2022 passed in G.A. Case No. 2 of 2021, the petitioner has also filed an application on 27.05.2023 before the respondent no. 1 which is still pending.

5. On the other hand, learned counsel for the Bihar State Housing Board submits at the Bar that since the matter is pending sub-judice before the Controlling Authority, no order is required to be passed in the present writ petition.

6. Considering the submissions advanced on behalf of the parties, the writ petition stands disposed of with a direction to the respondent no. 1, the Deputy Labour Commissioner-cum-



Controlling Authority (Gratuity Act) to dispose of the application of the petitioner preferably within a period of 12 weeks from the date of receipt/ production of a copy of this order.

7. Needless to observe that in case the petitioner is found entitled for any interest over the delayed payment, the same must be paid within the period stipulated.

(Harish Kumar, J)

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