

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1484 of 2019

In
Civil Writ Jurisdiction Case No.8952 of 2018

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Vijay Shankar Prasad S/o Late Sahdeo Prasad, Resident of flat No.2E, Taj Narayan Complex, Near Agam Kuan, P.S.- Agam Kuan, District- Patna.

... .. Appellant/s

Versus

1. The Bihar State Housing Board Patna.
2. The Managing Director Bihar State Housing having his Office at 6 Mangles Road, P.S. Sachivalaya, District- Patna.
3. The Secretary Bihar State Housing having his office at 6 Mangles Road, P.S.- Sachivalaya, District- Patna.
4. 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 Appellant/s	:	Mr. Vikas Mohan, Advocate
For the Respondent/s	:	Mr. Pawan Kumar, Advocate
		Ms. Pratibha, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 26-09-2024

Re: I.A. No. 1 of 2020

Heard I.A. No. 1 of 2020.

2. There is delay of about 317 days. Even though sufficient cause has not been pointed out, be that as it may, it is averred that appellant was suffering from heart ailment in the month of January, 2019. Taking note of the aforementioned



statement, delay of about 317 days in filing present LPA is condoned. I.A. No. 1 of 2020 is allowed.

3. With the consent of learned counsels for the respective parties, present appeal is taken up for final disposal.

4. Grievance of the appellant - *Vijay Shankar Prasad* in the writ petition is that he is entitled to balance of gratuity amount of Rs. 6,50,000/- along with interest @ of 18 %. The learned Single Judge, in the writ petition, has directed the respondent – Board to consider and pass a detailed speaking order within a period of three months on the petitioner's representation. On petitioner's representation, respondent – the Bihar State Housing Board extended balance of gratuity amount of Rs. 6,50,000/- without interest. Thus the present appeal has been filed to the extent that the learned Single Judge has not considered gratuity amount that appellant is entitled to interest on balance.

5. In identical matter, learned Single Judge had allowed the petition *namely* CWJC No. 11188 of 2018 insofar as not extending dues of gratuity amount along with interest and it was allowed, resultantly, the Bihar State Housing Board preferred LPA No. 379 of 2021. We have dismissed the LPA No. 379 of 2021 filed by the Bihar State Housing Board to the extent that respondent therein – *Mundirka Sahu* is entitled to dues of gratuity



amount along with interest. Therefore, the appellant has made out a case so as to claim interest on belated settlement of dues of gratuity amount of Rs. 6,50,000/-. Though it should have been paid on 27.02.2017, the date on which the Bihar State Housing Board adopted the enhanced gratuity amount. Therefore, the appellant is entitled to interest @ 6 % *per annum* from 27.02.2017 to June, 2019, the date on which balance gratuity amount of Rs. 6,50,000/- was paid to the appellant. In this regard, respondent – the Bihar State Housing Board is hereby directed to calculate interest for the aforementioned period and disburse the interest amount within a period of three months from the date of receipt of copy of this order.

7. Accordingly, LPA 1484 of 2019 is allowed in part.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.09.2024
Transmission Date	NA

