

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.711 of 2021

In
Civil Writ Jurisdiction Case No.14322 of 2019

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Sujit Kumar Roy, S/o Late Ramesh Chandra Resident of Mohalla- Vivek Vihar Colony, Road No. 1 Hanuman Nagar, P.S.- Patrakar Nagar, District- Patna.

... .. Appellant

Versus

1. The State of Bihar Through the Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. Principle Secretary, Labour Resources Department, Govt. of Bihar, Patna.
4. The Labour Commissioner, Labour Resources Department, Govt. of Bihar, Patna.
5. The Deputy Secretary, Labour Resources Department, Govt. of Bihar, Patna.
6. The Director, General Provident Fund, Bihar, Patna.
7. The Treasury Officer, Vikash Bhawan, Government of Bihar, Patna.
8. The Accountant General, Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Puneet Siddharha, Advocate
For the Respondent/s : Mr. Ajay Kumar Rastogi (Aag10)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 17-03-2025

Ref: A.I. No. 01 of 2022

Heard I.A. No. 01 of 2022 for condonation of delay. There is a delay of about 140 days in filing L.P.A. No. 711 of 2021. For the reasons stated in the application read with the affidavit and in the interest of litigant, delay of about 140 days in filing L.P.A. No. 711 of 2021 stands condoned.



2. Accordingly, I.A. No. 01 of 2022 stands allowed.

3. Appellant has assailed the order of the learned Single Judge dated 05.07.2021 passed in C.W.J.C. No. 14322 of 2019. Core issue involved in the present *lis* is to the extent that learned Single Judge has committed error in not extending interest on belated settlement of gratuity amount, which was due to the Appellant as on 31.12.2018, the date on which he has attained age of superannuation and retired from service. Gratuity was not released due to pendency of department enquiry. Even as on the date of learned Single Judge order dated 05.07.2021, departmental enquiry was still pending consideration. The learned Single Judge has made an observation that departmental enquiry shall be completed within a period of three months, failing which Appellant is entitled to gratuity amount.

4. Respondents have not complied the order of the learned Single Judge to the extent of completing the departmental proceedings. However, determined gratuity amount has been paid in the month of October, 2021. In this backdrop, Appellant is entitled to interest on belated settlement of gratuity amount at the rate of 6% per annum. In the normal course, Appellant is entitled to gratuity amount within three



months from the date of his retirement namely 31.12.2018. In other words, he is entitled to interest with effect to 01.04.2019 till October, 2021. The same shall be calculated at the rate of 6% per annum and release the same within a period of 08 weeks from the date of receipt of this order, failing which Appellant is entitled to litigation cost and it is quantified at Rs. 25,000/- (Rs. Twenty Five Thousand).

5. With above observation and direction, the present L.P.A. No. 711 of 2021 stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.03.2025
Transmission Date	NA

