

(1994) 03 PAT CK 0034
In the Patna High Court
Case No : CWJC No. 2692 of 1993 (R)

Md. Akhatar Hussain Ramish

APPELLANT

Vs

Project and Development India Ltd. and Others

RESPONDENT

Date of Decision : 02-03-1994

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 4 JCR 707

Hon'ble Judges : Radhamohan Prasad, J;Mukundan Sharma, J

Bench : Division Bench

Judgement

1. Heard the learned counsel for the petitioner and the learned counsel for the respondents.
2. The learned counsel for the petitioner submits that even though the petitioner vacated the quarter on 17.11.1992, yet the amount due towards the gratuity of the petitioner has not been paid to him till date. Learned counsel for the petitioner also claims in payment of interest upon the dues towards the gratuity amount.
3. Mr. Bahadur, learned counsel appearing on behalf of the respondents submits that as the petitioner had not furnished no demand certificate nor did he bring the fact regarding vacation of quarter to the notice of the respondents, the amount of gratuity could not be paid to him. Mr. Bahadur submitted that there was no fault on the part of the respondents they should not be liable to pay any interest to the petitioner on that amount.
4. After having heard the learned counsel for the parties and having considered the peculiar facts and circumstances and specially the fact that it is not in dispute that the petitioner vacated the quarter on 17.11.1992, and that the amount of gratuity not been paid to the petitioner. We directs the respondents to pay the gratuity amount to the petitioner with an interest @ 8 per cent per annum after making necessary adjustment towards the rent due against the petitioner within

a month from today.

5. This writ application is accordingly disposed of.