

(2011) 10 JH CK 0019
In the Jharkhand High Court
Case No : Writ Petition (S) No. 4449 of 2007

Mundrika Singh

APPELLANT

Vs

Bihar State Cooperative Land Development Bank and Others

RESPONDENT

Date of Decision : 14-10-2011

Acts Referred:

Citation : (2011) 10 JH CK 0019

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Final Decision : Allowed

Judgement

D.N. Patel, J.—Learned counsel for the petitioner submitted that though the petitioner has retired from the services of the respondents on 30th November, 2004, he has not been paid the amounts towards the gratuity and leave encashment and therefore, this writ petition has been preferred for payment of the aforesaid amount along with interest.

2. Learned counsel for the petitioner submitted that now a detailed counter affidavit has been filed by respondent nos. 1 to 3 and in paragraph no.6 of the said counter affidavit, the respondents are admitted that the petitioner should be paid the amount of gratuity at Rs.58,560/-and the amount of leave encashment at Rs.87,111/-and an order has also been issued by the respondent-Bank bearing no. 4203 dated 15th October, 2005. Thus, the total amount, payable to the petitioner, even as per paragraph no.6 of the counter affidavit, filed by the respondents, is at Rs.1,45,672/-and, therefore, this amount may be directed to be paid to the petitioner along with interest within the stipulated time.

3. When the matter is called out, nobody appears on behalf of the respondents.

4. Having heard learned counsel for the petitioner and looking to the counter affidavit, filed by the respondents, it appears that the claim of the present petitioner has been admitted by the respondents to the extent, as stated in paragraph no.6 of th counter affidavit, which has been filed by the Area Manager

of Bihar State Co-operative Land Development Bank. Paragraph no. 6 of the counter affidavit reads as under:

6. That with regard to the payment of Gratuity and Leave Encashment, the Bank has issued Office Order No. 4203 dated 15.10.2005 for payment of gratuity to the tune of Rs.58,560/-and Leave Encashment of Rs.87111/-thus a total sum of Rs.145672/-.

5. It appears that the aforesaid admitted amount has not been paid to the petitioner because of some paucity of fund. Enough time has lapsed by now and, therefore, I hereby direct the respondents to make payment of the aforesaid amount along with simple interest of 5% per annum to the petitioner, towards the gratuity and leave encashment, within a period of eight weeks from the date of receipt of a copy of the order of this Court.

6. This writ petition is, accordingly, allowed and disposed of, in view of the aforesaid observations.