

**Government of Bihar**  
**Office of the Principal Secretary, Department of Industries,**  
**Govt. of Bihar-cum-Chairman, Bihar Industrial Area**  
**Development Authority, Patna**

**Dated 19.11.2018**

**Appeal Case No – 19/2018 in the matter of Mr. Uma Shankar  
Prasad, Darbhanga**

**District – Patna**

**PRESENT :- K.K. Pathak, I.A.S.,  
Principal Secretary**

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**Mr. Uma Shankar Prasad, Darbhanga - Appellant**  
**Vs.**  
**BIADA - Respondent**

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**Appearance:**

**For the Appellant**

**:**

**For the Respondent**

**: LA Pankaj Kumar Sinha**

**19.11.2018**

This is an Appeal filed by Mr. Uma Shankar Prasad, the then Personal Assistant, BIADA alleging the non-payment of interest to be payable on the amount of Gratuity in terms of Gratuity Act, 1972 as amended from time to time, by BIADA.

The Appeal was filed in the year 2014. The delay of approximately 04 years apparently been condoned by the then Appellate Authority and the

case was admitted for hearing. However, the matter could not be heard earlier. Finally, the matter was posted for hearing today. Today, the Appellant was not present. The Learned Advocate of BIADA was heard.

As per the Learned Advocate of BIADA the averments made by the Appellant are completely unfounded baseless and BIADA has unnecessarily been dragged in the present litigation as the interest accrued and as directed by the Hon'ble High Court by Justice Amanullah in C.W.J.C. No. 181/2015, Md. Zeyaur Rehman Vs. The State of Bihar and Ors. has already been complied with and the interest amount has been paid to the Appellant.

Further, the Learned Advocate of BIADA submitted that the Appellant retired on 28.02.2014 and the first payment of the Gratuity amount of Rupees 3,50,000/- was paid on 09.06.2014 and the due date of the payment was 29.03.2014, therefore there was delay of 71 days. Moreover, in terms of the decision of Justice Amanullah in C.W.J.C. No. 181/2015, Zeyaur Rehman Vs. The State of Bihar and Ors. a further amount of Rupees 4,66,065/- was paid to the Appellant as the due date was 29.03.2014 and the payment was made on 28.07.2016, there was a delay of 851 days in the payment (The enhanced payment was done in terms of decision of Hon'ble High Court

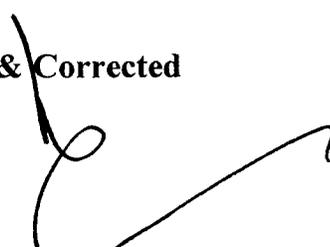
which has also directed for the payment of interest amount).

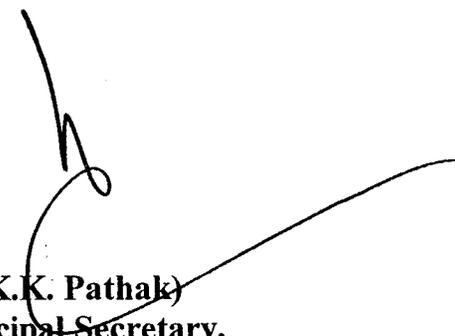
Having heard the Learned Advocate of BIADA and having perused the documents available on record, I find that there is no merits in this appeal as the cause of action has exhausted as the interest on the Gratuity amount has already been paid to the Appellant.

I find that there is no merit in this Appeal as the cause of action has exhausted as the interest on the Gratuity amount has already been paid to the Appellant.

Appeal Dismissed.

Dictated & Corrected

  
(K.K. Pathak)  
Principal Secretary,  
Department of Industries,  
Bihar

  
(K.K. Pathak)  
Principal Secretary,  
Department of Industries,  
Bihar