

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15113 of 2018

Binod Singh Saumitra Son of Late Ram Janak Singh Resident of 302, Monindra Kutir Apartment, M.G. Nagar, Kanti Factory Road, Kankarbagh, Patna - 26, Ex-Senior Manager, Allahabad Bank, Zonal Office - Patna.

... .. Petitioner/s

Versus

1. The Chairman And Managing Director, Allahabad Bank and Ors
2. The General Manager Personnel And Administration, Allahabad Bank, Head Office Personnel and Admini
3. The Deputy General Manager, Allahabad Bank, Zonal Office, Budh Marg, Patna - 800001.
4. The Assistant General Manager, Allahabad Bank, Patna Main Branch, Patna - 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr. Nishi Nath Ojha, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 09-02-2021

Nobody has appeared on behalf of the petitioner.

Nobody has been appearing in this matter on the last two dates.

Mr. Nishi Nath Ojha, learned Advocate for the respondents, however, is present.

This writ petition has been filed for following reliefs:

(i) For a direction on the respondents for payment of statutory interest on PF balance and gratuity amount paid to the petitioner from date of superannuation to till the payment made i.e. interest from 01.03.2010 to 31.03.2012 of gratuity amount of Rs. 3,50,000/- and



interest on PF balance amount of Rs. 19,26,199.00 plus Rs. 1,78,602/- (adjusted in PF withdrawal loan amount) aggregating amount of Rs. 21,04,801/- from 01.03.2010 to 15.05.2012 with compound interest as per provision of guideline of the bank.

(ii) For a direction to refund the interest charged on loan account which is liquidated by the proceeds of terminal dues (gratuity amount of Rs. 3,50,000 released on 31.03.2012 and PF balance released on 15.05.2012) till the liquidation of loan account of the petitioner by bank which comes aggregating of approx. Rs. 92,500/-.

The learned Advocate for the respondents has informed this Court that the petitioner had joined service of the bank on 18.02.1977. He was subjected to the punishment of "removal from service" for his acts of omission and commission between 30.09.2003 to 12.06.2006. The departmental appeal as well as review application against the aforesaid punishment of removal was also dismissed by the concerned authorities. The petitioner, therefore, challenged the order of punishment *vide* CWJC No. 4667 of 2009 which too was dismissed and the L.P.A. against the aforesaid order also stood dismissed.

This Court has further been informed that various staff loans are outstanding against the petitioner *viz.*



overdraft, house building loan, co-operative loan and education loan.

After the removal of the petitioner from the bank service, he did not come forward to liquidate the staff loan. He also did not submit any authorization to the bank for adjustment of outstanding amount of the staff loan from the proceeds of his terminal dues.

It was only on 24.02.2012 that the petitioner has asked for the release of terminal dues in the prescribed format including necessary authorization to the bank to realize its outstanding staff loan from the proceeds of his terminal dues.

That thereafter, the gratuity amount of Rs. 3,50,000/- has been released by the bank and after the adjustment of PF withdrawal loan of Rs. 1,78,602/-, CPF balance amount of Rs. 19,26,199.00/- with interest up to 14.05.2012 has also been released by the bank.

The overdraft loan amount is still outstanding against the petitioner which he needs to liquidate.

After the submission of his application on 24.02.2012, the CPF and the gratuity amount have been paid to the petitioner on 15.05.2012 and 30.03.2012 respectively.

The petitioner had earlier preferred a writ application for payment of his post-retiral dues which had



still not been paid. The aforesaid writ petition *viz.* CWJC No. 14194 of 2014 was disposed of with an observation that the claim of the petitioner for payment of statutory interest after his removal from service in 2007 till the date of payment would depend upon the outcome of LPA No. 929 of 2014.

The petitioner appears to have made a representation before the General Manager, HR regarding his dues but the claim of the petitioner with respect to interest has been denied by a reasoned order dated 25.02.2014 and the aforesaid order was communicated to the petitioner on 26.03.2014.

The delayed payment of the post-retiral dues of the petitioner is not on account of any laches on the part of the bank authorities but because of the delay of the petitioner in seeking its release and of his authorizing the bank to deduct the outstanding staff loan against his post-retiral dues.

Considering these aspects of the matter, this Court is of the view that no direction need be issued to the respondent-authorities. Whatever is due to the petitioner has already been paid to him. However, if at all any amount due to the petitioner is still left to be paid, it would be open for the petitioner to approach the General Manager, HR afresh, detailing his grievances and in that



event the representation of the petitioner shall be disposed of by the concerned respondent after verifying the entire set of facts.

The writ petition stands disposed of accordingly.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.02.2021
Transmission Date	

