

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16626 of 2008

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Md.Salahuddin son of late Md. Umed resident of Mohalla Karansarai P.S.
Sasaram, P.O. Sasaram, District Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary-cum- Commissioner, Department of Human Resources,
Secretariat, Patna.
3. The Director, Primary and Secondary Education, Bihar, Patna.
4. The District Magistrate, Sasaram, Rohtas.
5. The District Superintendent of Education Officer, Sasaram, Rohtas.
6. The Head Mistress, Primary Urdu Primary School Karansarai, Sasaram.
7. The Accountant General, Government of Bihar, Patna.
8. The Branch Manager, Central Bank of India, Sasaram, Rohtas
9. The Treasury Officer, Sasaram, Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

9 03-08-2015

Heard learned counsel for the Parties.

Learned counsel for the petitioner is permitted to
implead the Branch Manager, Central Bank of India, Sasaram,

Rohtas as well as the District Treasury Officer, Sasaram, Rohtas as respondents no. 8 and 9. Let necessary corrections be made during the course of the day.

The writ application has been filed basically for commanding the respondents to make payment of dearness allowance of the family pension to the petitioner.

It appears from the supplementary counter affidavit filed by respondents no. 1 to 5 that the District Treasury Officer, Sasaram, Rohtas has issued a letter to the Branch Manager, Central Bank of India, Sasaram, Rohtas under letter dated 11.02.2015 as he is the competent person to make payment. However, the said person is not party in the present proceeding.

The petitioner has prayed for interest on the delayed payment. The specific averment of the petitioner in the writ application is that he had filed representation dated 22.01.2004 and direction to make such payment is only in the year 2015, without there being any denial or averment in either the counter affidavit or supplementary counter affidavit with regard to there being any laches on the part of the petitioner. Thus, this Court feels that a case has been made out for award of interest. Accordingly, relying on the decision of the Hon'ble Supreme Court in the case of **S. K. Dua v. State of Haryana** reported in

AIR 2008 SC 1077 and **D. D. Tiwari v. Uttar Haryana Bijli Vitran Nigam Ltd.** Reported in **(2014) 8 SCC 894** directs payment of 12 per cent interest to the petitioner from 22.01.2004 till actual payment is made.

If the petitioner has not been paid in terms of letter dated 11.02.2015 as yet, the newly added respondent no. 8 shall ensure that such payment is made within one week from the date of production of a copy of this order before him. The newly added respondent no. 9 shall also ensure that the payment of interest as directed hereinabove be made to the petitioner after due calculation within four weeks from the date of production of a copy of this order before him. The respondent no. 9 shall get the fact verified as to whether the petitioner has filed the representation dated 22.01.2004 before the department as has been stated by him in paragraph 9 of the application.

The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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