

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3166 of 2015

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Binod Kumar Sharma, Son of Late Muktinath Sharma, resident of Mohalla Upwan
William's Town Indu Sarkar Road, P.S. Kotwali, District Deoghar, State-
Jharkhand.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Agriculture Department
Bihar, Patna.
2. The Agriculture Director, Bihar Patna.
3. The Accountant General, Bihar Patna.
4. The Joint Agriculture Director, Munger.
5. The District Magistrate , Lakhisarai.
6. The District Agriculture officer, Lakhisarai.
7. The Provident Fund officer, Lakhisarai.
8. The Treasury officer, Lakhisarai.

.... 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

Date: 17-08-2015

Heard learned counsel for the parties.

It is admitted at the Bar that dues have been paid

though 17 months after retirement of the petitioner for which learned counsel for the petitioner prays that interest may be awarded.

Learned counsel for the petitioner has relied on a Circular of the State Government contained in Memo No. P.C.-2-1-46/79/3155 dated 07.11.1981 in which payment of 5% per annum has been allowed, subject to the condition that for the delayed payment of pension/D.C.R. Gratuity there were administrative lapses or for reasons beyond the control of the retired Government servants.

This Court finds from the pleadings on record that the petitioner had raised a claim within three months of his superannuation before the authorities and even in the counter affidavits filed on behalf of the respondents there is no averment that there was any delay or lapses on the part of the petitioner either in getting formalities done or in any other manner. Thus, this Court feels that the petitioner has been able to make out a case of payment of interest as per the aforementioned Government Circular dated 07.11.1981.

Accordingly, the respondent no. 6 is directed to pay the interest @ 5% per annum on D.C.R. Gratuity including pension to the petitioner from the date it became due till the time of actual payment. The same shall be paid within four weeks from the date of production of a copy of this order before the respondent no. 6.

The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

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