

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 19788 of 2011

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Daya Nand Prasad Sinha, Son of Late Brij Mohan Lal, Resident of Sonar Toli, Mashuge Ali Road, P.S. Khajekalan, District- Patna Retd. Male Family Welfare, Workers State Dispensary, Sahpur Patori, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar represented through its Chief Secretary, Govt. of Bihar, Old Secretariat Building, Patna.
2. Civil Surgeon-cum-Chief Medical Officer, Samastipur.
3. Chief Secretary, Health Department, Govt. of Bihar, Vikash Bhawan, Sachiwalya, Distt. Patna – 800015.
4. Incharge Medical Officer, State Dispensary, Sahpur, Patori Distt.- Samastipur.
5. District Magistrate, Samastipur.
6. Director, Health Department, Govt. of Bihar, Vikash Bhawan Sachivalya, Patna.
7. Accountant General Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.
For the Respondent/s	:	Mr. Gautam Bose, A.A.G. 8.
For the Accountant General	:	Mr. Madhuresh Prasad, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 03-12-2015

Heard learned counsel for the parties.

It appears that all admitted dues of the petitioner have been paid. However, there is no explanation as to why full and final pension, gratuity as well as benefit of A.C.P. was finally settled in the year 2014 even though the petitioner superannuated in the year 2005.

In view of the aforesaid, as nothing has been brought on record by the respondents in their pleadings to justify such delay, relying on the decision of the Hon'ble Supreme Court in the case of **D. D. Tewari v. Uttar Haryana Bijli Vitran Nigam Ltd.** reported in **(2014) 8 SCC 894**, the

Court holds that the petitioner shall be entitled to 9% simple interest per annum on the remaining portion of pension/gratuity and ACP benefit which have been paid in the year 2014, from the time it became due till the time it was actually paid to the petitioner. The same shall be paid to him, within two months from the date of receipt of a copy of this order being served on respondent no. 2.

The writ application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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