

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 14687 of 2008

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Gopi Nath Pathak Son of Late Sidheshwar Pathak, Resident of Village-
Bakawan, P.S. Bhadaur, District- Patna.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Department Government of Bihar, Patna.
3. Director, Secondary Education, Bihar, Patna.
4. District Education Officer, Patna.
5. The Director, Provident Fund, Bihar, Patna.
6. District Provident Fund Officer, Patna.
7. The In-charge Headmaster, Smt. Radhika Devi High School, Darbe Bhadaur, District- Patna.
8. Ishwar Prasad Singh S/O not known to the petitioner resident of Village- Gous Nagar, P.S. Asthawan, District- Nalanda, the In-Charge Headmaster, Smt. Radhika Devi High School, Darbe Bhadaur, P.S.- Bhadaur, District- Patna.
9. Accountant General, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Amitabh Bhardwaj, Advocate.
For the State : Mr. Shambhu Nath, A.C. to A.A.G. 3.
For the Accountant General : Mr. Ranjan Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

11. 16.01.2015

Learned counsel for the parties are present.

In view of the materials brought on record, it transpires that the Accountant General has issued the necessary authority slip in favour of the petitioner for all his post retiral dues. However, actual payment has not yet been paid due to there being outstanding dues against the petitioner with regard to 216 bags of cement which were purchased by him but not utilized for construction and the same having been destroyed. The Court finds that the respondents have not



acted properly inasmuch as they could only have withheld an amount for which the State suffered loss and not the entire amount of the retiral dues of the petitioner. Whatever was the price of 216 bags of cement, the same could have been adjusted/recovered from the total dues payable to the petitioner and in any view of the matter the rest amount had to be paid to the petitioner without delay. This not having been done is violation of the rights of the petitioner for getting his post retiral dues in time.

Accordingly, the authorities are directed to ensure payment to the petitioner all his dues after withholding of an amount equivalent to the cost of 216 bags of cement which is said to have been purchased by the petitioner and without being utilized got destroyed. The same should be done within six weeks. The petitioner having superannuated on 01.08.2007, this Court, in view of 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**, also awards interest at the rate of 9% per annum to the petitioner on the delayed payment, the same shall be paid within eight weeks, failing which interest at the rate of 18% per annum would be payable.

The application stands disposed off in the aforementioned terms.

The petitioner shall be at liberty to challenge

the adjustment/recovery made from him on account of loss of 216 bags of cement which was purchased by him, in an appropriate proceeding before the proper forum.

(Ahsanuddin Amanullah, J.)

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