

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9138 of 2011

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Reyaz Hussain S/O Late Faizulal Hussain, Safuanpura, Raza Bazar, Patna - 14

.... Petitioner/s

Versus

1. The State of Bihar.

2. The Government Secretary, Government of Bihar, Patna.

3. The Under Secretary, Government of Bihar, Patna.

4. The Finance Commissioner, Government of Bihar, Patna

5. The Dy. Secretary (Accounts), Patna.

.... 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: 14-08-2015

Heard learned counsel for the parties.

Initially the petitioner had come to this Court claiming payment of his retiral dues having superannuated in the year 1998.

In view of the materials brought on record in the present case, it appears that finally the petitioner was sanctioned Rs. 100583/- as net payable amount of gratuity. The same seems to

have been paid in the year 2014. However, the amount has been paid to the wife of the petitioner as the petitioner had already died in the year 2011.

From the pleadings of the respondents, it further appears that initially a dispute remained as to whether the advance amount taken by the petitioner under various heads were adjusted and ostensibly on that ground the final settlement of gratuity amount was not made. It seems that ultimately, before finally arriving at the figure of Rs. 1,00,583/-, the said amounts have been adjusted. This Court is unable to appreciate the conduct of the respondents for the simple reason that whatever amount was allegedly outstanding in the name of the original writ petitioner, the authorities for the time being could have withheld that amount but they had no authority to hold back the rest amount. Ultimately also, the same has happened, that is, after deducting the outstanding advances shown in the name of the original writ petitioner, an amount of over Rs. 1 Lakh has been found payable to him which was actually paid in the year 2014, according to learned counsel for the petitioner.

In view of the aforesaid, following the principle laid down by the Hon'ble Supreme Court in the case of **D. D. Tiwari v. Uttar Haryana Bijli Vitran Nigam Ltd.** reported in (2014) 8 SCC 894 the Court holds that the wife of the petitioner who is getting

family pension is entitled to interest @ 9% per annum on delayed payment from the due date till the time of actual payment made to her.

Let the exercise be completed within four weeks from the date of production of a copy of this order before the respondent no. 3, failing which the interest payable shall be @ 12% per annum.

The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

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