IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20684 of 2010

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Gopi Raman Jha, S/o Late Bhola Jha, R/o Vill.- Rasiyari, P.S.- Ghanshyampur, Distt.- Darbhanga

.... Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Human Resources Department, Govt. Of Bihar, Patna
3. The Director, Secondary Education, Bihar, Patna
4. The Regional Deputy Director Of Education, Darbhanga
5. The District Education Officer, Darbhanga
6. The Treasury Officer, Darbhanga
7. The Accountant General, Bihar

.... Respondents

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Appearance :
For the Petitioner : Smt. Archana, Adv.
For the Respondents : Shri Jay Prakash Sharma, Adv.
Shri Ram Yash Singh, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 21-01-2015

The petitioner retired from service as a Head Clerk in an educational institution on 30.4.1996. He was also sanctioned pension in accordance with the Rules. The grievance is that, though he was entitled for revised pension with effect from 1.1.2006, the same was not extended to him. This writ petition is filed with a prayer to direct the respondents to revise the pension

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with effect from 1.1.2006 and to pay the differential amount, with interest at the rate of 6 per cent.

On behalf of the respondents, it is stated that on verification of the matter the petitioner was extended the benefit of revised pension and the amount was also paid during the pendency of the writ petition.

Heard Smt. Archana, learned counsel for the petitioner, and Shri Jay Prakash Sharma, learned counsel for the respondents.

The prayer in the writ petition is in two parts:- the first is as regards revision of pension; and the 2nd is about payment of interest on the differential amount. The petitioner got the first part of the relief. Now the question remains only about the interest. The occasion to grant interest would arise only if the Rules provide for it or when there was a gross negligence on part of the respondents. As of now, the petitioner is not able to place any such Rule before this Court. However, it would be open to him to make a representation in this behalf, in case the Rules permit of the same.

Therefore, the writ petition is disposed of, leaving it open to the petitioner to make a representation as regards the interest on delayed payment of revised

pension, if any rule provides for it.

Interlocutory application, if any, stands disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

K.C.jha/-

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