

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18154 of 2008

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Eqbal Ahmed Jamshed, son of late Mohammad Yusuf, resident of House No. 203, Raod No. 1/D, P.S. and P.O. Patliputra Colony, Distt. Patna-800013.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Old Secretariat, Patna.
2. The Commissioner-cum-Principal Secretary Finance (Commercial Taxes) Department Bihar, Patna.
3. The District Provident Fund Officer, Patna.
4. The Accountant General Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Kamla Lal Srivastava and
Mr. Mani Madhukar, Advocates

For the State : Mr. Bishwa Bibhuti Kumar Singh,
AC to PAAG

For the Accountant General : Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

5 19-01-2015

Heard learned counsel for the parties.

The petitioner has filed the application seeking payment of his remaining 10 per cent pension, 10 per cent leave encashment and full gratuity.

It appears that pursuant to superannuation of the

petitioner on 31.10.2007, departmental proceeding was started against him on 10.12.2007 for charges relating to the year 1993-1996.

In view of the objection raised by the petitioner that the same was not maintainable under Rule 43 (b) of the Bihar Pension Rules, 1950, decision has been taken to drop the proceeding and the stand in the counter affidavit filed on behalf of respondent no. 2 today is that after dropping of the proceeding, the remaining 10 per cent pension and leave encashment and the entire gratuity would be paid immediately.

In view of the admitted position that the State itself has accepted that the proceeding under Rule 43(b) of the Bihar Pension Rules, 1950 was not permissible in the facts and circumstances of the case and accordingly order has been passed in favour of the petitioner, learned counsel for the petitioner submits that the dues not being paid for more than seven years now, the petitioner be granted interest.

In view of the decision of the Hon'ble Supreme Court in the case of **D. D. Tewari v. Uttar Haryana Bijli Vitran Nigam Limited** reported in (2014) 8 Supreme Court Cases 894, this Court directs that interest at the rate of 9 per cent per annum on delayed payment from the date of entitlement till the date of

actual payment along with the main dues be paid within six weeks failing which the same shall carry interest at the rate of 18 per cent per annum.

The writ application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

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