IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.805 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 1850 of 2014

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Muni Lal Paswan son of Late Ishwar Paswan, Resident of Mohalla - Patna Super Market, Block B, Flat No.102, Fraser Road, Patna, P.S. Kotwali, Distt. - Patna

.... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna
3. The Deputy Secretary, General Administration Department, Government of Bihar, Patna
4. The Joint Secretary to the Government of Bihar, General Administration Department, Government of Bihar, Patna
5. The Registrar General, High Court of Judicature at Patna
6. The Accountant General, A & E, Bihar, Patna
7. The District and Sessions Judge, Patna

.... Respondent/s

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Appearance :
For the Appellant/s : Mr. Piush Lal, Advocate.
For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)
Date: 27-09-2016

The challenge in the present Letters Patent Appeal is to an order dated 07.04.2014 whereby interest on 10% pension amount was not granted.

The appellant attained the age of superannuation on 31.01.2007 but on account of pendency of departmental proceeding, the appellant was paid 90% pension and gratuity. The remaining amount of pension and gratuity was withheld. After exoneration in the departmental proceeding, full pension and full gratuity was sanctioned to the appellant on 28.08.2008. It is thereafter, the claim of the appellant is of payment of interest on account of consequential delay in payment of gratuity and pension.

The learned Single Bench has ordered for payment of statutory interest on the amount of gratuity but in respect of interest on pension, the same was not granted.

Learned counsel for the appellant refers to a judgment of the Hon'ble Supreme Court reported as (1985) 1 SCC 429 (State of Kerala v. M. Padmanabhan Nair) to contend that the appellant is entitled to interest on the amount of pension as well.

We have heard learned counsel for the parties and find no merit in the present appeal. In the reported judgment, the pension and gratuity were not paid on the retirement of the employee and therefore, the Court has passed an order of payment of interest but in the present case, the appellant was facing departmental proceeding and it was on account of such proceedings, 10% of pension and gratuity was withheld. The same was paid after conclusion of the departmental proceeding. Therefore, the amount of pension and gratuity was withheld not without any reason but on account of pending departmental proceeding.

In view thereof, we do not find that the appellant is entitled to interest on pension which was paid after conclusion of the departmental proceeding.

The Letters Patent Appeal Stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P. Kumar/Anjani

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A