

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No 1911 of 2012

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Basudeo Yadav Son Late Yugal Yadav Resident Of Village - Rampur Nauwbad,
Tola - Chharapatti, P.O. - Bakaur At Present Nemua, P.S. And District - Supaul, At
Present Resides At Mohalla - Bhelahi, Ward No. 19, P.O. - Kharail, P.S. And
District - Supaul

.... Appellant/s

Versus

1. The State Of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Patna
2. The Director, Land Acquisition and Rehabilitation, Water Resources Department, Government of Bihar, Patna
3. The Special Land Acquisition and Rehabilitation Officer, Madhyam Sichai Pariyojana, Jamui
4. The Treasury Officer, Jamui
5. The Treasury Officer, Supaul
6. The District Accounts Officer, Samaharnalaya, Jamui
7. The District General Provident Fund Officer, Munger
8. The Accountant General (A & E), Bihar, Birchand Patel Path, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Madhaw Prasad Yadav, Advocate

For the S t a t e : Mr S Arshad Alam, SC III with
Mr Fakhruddin Ali Ahmad, AC to SC III

For the A G : Mr Manikant Mishra, Advocate

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CORAM: HON'BLE MR JUSTICE HEMANT GUPTA

&

HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE HEMANT GUPTA)

Date: 01-03-2016

The challenge in the present Letters Patent Appeal is to
an order passed by the learned Single Judge in CWJC No 13586 of
2012 on 30th of July, 2012 whereby a direction was issued to pay all
retiral benefits such as gratuity, pension and leave encashment after
fixing the same in terms of 06th Pay Commission revision with effect

from 01st July, 2006 while granting liberty to the appellant for seeking relief with respect to service benefits like arrears of promotional benefits etc in another appropriate proceeding including another writ petition.

The grievance of the appellant is that he is entitled to interest on account of delayed payment and grant of ACP scale which have been adjudicated in the present writ petition itself.

The learned Single Judge has directed the respondents to pay the balance of GPF amount and other dues with statutory interest till the date of respective payments. Therefore, there is a direction to pay interest. The appellant cannot be permitted to claim any other interest in the present Letters Patent Appeal. In respect of the benefit of ACP scale, the appellant has been granted liberty to take recourse to appropriate proceedings. The benefits, during service and after service, are two rights standing on different footings.

Therefore, we do not find any error in the order of the learned Single Judge which may warrant interference in this Letters Patent Appeal. This Letters Patent Appeal is dismissed.

(Hemant Gupta, J)

(Navaniti Prasad Singh, J)

M.E.H./-

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