

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.125 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 11229 of 2006**

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Baidyanath Prasad Sinha S/O- Late Deonath Sinha, Resident of Village- Palaki,
P.O.- Alawalpur, P.S.- Gaurichak, District- Patna, Presently Residing In L.I.G.
No.8, Lohiya Nagar, P.S.- Kankarbagh, District- Patna

.... Appellant/s

Versus

1. The State of Bihar Through The Commissioner And Secretary Human Resources Development Department, Vikas Bhawan, Patna
2. Director, Primary Education Bihar, Human Resources Development Department, Vikas Bhawan, Patna
3. Director, Provident Fund Directorate, Finance Department, Pant Bhawan, Patna
4. District Provident Fund Officer, Collectorate, Patna-3
5. Accountant General, Bihar, Patel Path, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Awadhesh Prasad, Advocate

For the Respondent/s : Mr. Neeraj Kumar, AC to Sc 22

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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: 08-04-2016

The challenge in the present Letters Patent Appeal is to an order dated 08.04.2011, whereby the writ petition for the same relief as to the claim of interest on the delayed payment of pensionary benefits was not entertained.

The appellant retired in the year 1988 as Block Education Extension Officer, Danapur. The pensionary benefits were received in the year 1995. Since there was delay in payment of the amount of pension, the appellant filed CWJC No. 13496 of 2002 which was

decided on 25th February, 2005, directing the appellant to file a representation before an appropriate authority for interest. On the representation, no decision is said to have been taken. The appellant filed another writ petition in 2006 which has been dismissed under the order impugned in the present appeal.

We find that the claim for interest is barred by limitation. The appellant was paid the amount of pension in the year 1995. Any amount of interest can be claimed within a period of three years thereafter. However, the representation was filed in the year 2002, i.e. seven years later. The money claim has to be raised within the period of limitation. Even if the claim is to be entertained, another writ application cannot be entertained after long lapse of time. The appellant first raised his claim after seven years of payment of his pensionary benefits.

In that view of the matter, we do not find any merit in this appeal. The appeal is accordingly dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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