

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12889 of 2013

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1. Yadubansh Sahu S/O Jaglal Seth Resident Of Mohalla - Indrapuri, House No.8,
Room No.8B, P.S. Patliputra, Town & District - Patna

.... Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Department Of Water Resources, Government Of Bihar, Patna
3. The Secretary - Cum - Commissioner, Department Of Water Resources, Government Of Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Jha, Advocate

For the Respondent/s : Mr. Sita Ram Yadav, GP-16

Mr. Manoj Kumar, AC to GP-16

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 28-09-2016

Heard learned counsel for the petitioner and the learned
counsel for the State.

In this case, the petitioner has only claimed the interest
over and above the amount as the arrears of salary for the period
from 01.04.1981 to 31.01.1998, which has been paid to him on
30.08.2011, i.e. after long lapse of time.

Learned counsel for the petitioner submits that he has
been paid the arrears of salary for the aforesaid period after delay
of about 12 years and as such, he is also entitled to some interest
over and above the said amount which has been paid to him.

Learned counsel for the State submits that the

petitioner has been paid pending difference of the salary for the aforesaid period. He is not entitled to any interest on the said amount but looking to the period for making the payment, if it is counted from 01.04.1981, it will be about 20 years and from 31.01.1988, it will be about 13 years, this Court takes judicial notice of price rise and devaluation of currency in course of time.

In such view of the matter, as there is a long delay, it will be proper to compensate his loss what he has suffered during the aforesaid period. In such circumstances, the petitioner is entitled to pay simple interest at the rate of 5% for the period from 01.04.1981 to 31.01.1998 over and above, the said amount, which has been paid to the petitioner on 30.08.2011.

The competent authority is directed to make payment to the petitioner within a period of four months from the date of receipt / production of a copy of this order to the aforesaid extent.

With the aforesaid observation and direction, this application is allowed.

(Shivaji Pandey, J)

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