

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1049 of 2015

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1. Bijay Shankar Prasad S/O Late Rajendra Prasad Resident of Mohalla-153-Anandpur, West Boring Canal Road, P.S-Razapur, Distt.-Patna; At Present mohalla-Vidyadhar, P.O+P.S+Distt.- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar
2. Managing Director, Bihar Rajya Jal Parishad, west Boring Canal Road, Patna
3. Secretary, Public Health Engineering Department, New Secretariat, Patna
4. Chief Engineer-cum-Special Secretary, Public Health Engineering Department, Govt. of Bihar, Patna
5. Executive Engineer, Bihar Rajya Jal Parishad, Ganga Project, Division no.1, S.T.P. Saidpur, Patna-4

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Prasad

For the Respondent/s : Mr. Devendra Kr Sinha

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 05-05-2016 Heard Mr. Ajay Prasad for the petitioner and Mr. Ray Shivajee Nath AAG-3 for the State.

Unquestionably, the petitioner, upon superannuation from the service of the Bihar Raj Jal Parishad, prayed for payment of his post retiral dues as per the entitlement. Since there was a delay in doing so a writ petition was filed for payment of interest on delayed payment of the certain dues. A Bench of this Court by order dated 4.8.2014 passed in CWJC No. 2888 of 2008 disposed of the application permitting the petitioner to make a representation for consideration by the respondents. In the light of

the said order, the respondents considered the case of the petitioner for grant of interest and by a well reasoned order dated 24.10.2014(Annexure-1) rejected the prayer primarily on the ground that the fund was received belatedly. It was not a deliberate/wilful act of the Jal Parishad to deny the lawful claim(s) of the petitioner. Petitioner has not enclosed the circular or the resolution of the Government through which he claims interest on delayed payment of such post retiral dues. In absence of the basis of claim, I am inclined to accept the reasons assigned by the respondent in the impugned order which have also been supported by filing counter affidavit. The application merits to be dismissed.

I order accordingly.

(Kishore Kumar Mandal, J)

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