

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5684 of 2015

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Jai Prakash Singh, S/o Late Dani Sharma, Resident of village- Manpur Souli, P.O.
+ P.S- Isuapur, District- Saran.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Bihar, Patna.
3. The Accountant General, Bihar, Patna.
4. The Director, Primary Education, Bihar.
5. The District Programme Officer, Saran.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajendra Kishore Prasad, Advocate
Mr. Madhukar Pandey, Advocate

For the Respondent-State: Mr. Uday Prasad, AC to GP-22

For the Respondent-AG : Mr. Kameshwar Prasad Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 21-12-2016

The present writ application has been filed for a direction upon the respondents to pay compound interest on paid amount of difference of salary, arrears of salary, earn leave of thirteen days, provident fund and G.P.F. amount.

2. The father of the petitioner was a teacher in Board Primary School, Ramchaura, Saran. While in service, he died on 29th March, 1975. The mother of the petitioner made a claim for grant of family pension for the first time on 15th November, 2010. Immediately, thereafter, she died. After the death of mother, the



petitioner filed a representation before the authorities for payment of admissible amount of death-cum-retirement benefit.

3. It is contended that subsequently the principal amount with interest for certain period has been paid to the petitioner, but the respondents have not computed compound interest on the arrears of death-cum-retirement benefit.

4. Admittedly, after 35 years of death of the father of the petitioner, the mother of the petitioner made claim for family pension for the first time on 15.11.2010 and, subsequent to her death, the petitioner is contesting the matter. This Court declines to exercise its discretion under Article 226 of the Constitution of India simply on the ground of inordinate and unexplained delay and laches on the part of the petitioner in making application for payment of death-cum-retirement benefits.

5. Accordingly, the writ application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.12.2016
Transmission Date	NA

