

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.399 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 4876 of 2013**

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Sri Bhagwan Singh, Son of Late Rameshwar Singh, Resident of Mohalla - Keshra Tola, Daud Nagar, Police Station - Daud Nagar, District - Aurangabad

.... Appellant/s

Versus

1. The State of Bihar through the Commissioner Cum Secretary, Road Construction Department, Government of Bihar, Patna
2. The Deputy Secretary, Road Construction Department, Government of Bihar, Patna
3. The Engineer - In - Chief - Special Secretary - Cum - Additional Commissioner, Road Construction Department, Government of Bihar, Patna
4. The Additional Secretary, Finance (Personnel Claim Cell) Department, Government of Bihar, Patna
5. The Incharge Officer, Finance (Personnel Claim Cell) Department, Government of Bihar, Patna
6. The Executive Engineer, Bihar Police Building Construction Corporation, Muzaffarpur Camp. Hazipur
7. The Director, Provident Fund, Government of Bihar, Patna
8. The Accountant General (Accounts And Entitlement), Bihar, Patna, Birchand Patel Patha, Patna
9. The Treasury Officer, Daud Nagar, Aurangabad

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Virendra Prasad, Advocate.
For the State : Mr. Anil Kumar Sinha, GA-1
Ms. Aditi Hansaria, AC to GA-1.
For the Acct. Gen. : Mr. Satyendra Kumar Jha, Advocate.

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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: 21-10-2016

Heard learned counsel for the parties.

2. Learned counsel for the State has handed over a demand draft in the sum of Rs. 1,30,695/- to the learned counsel for the appellant towards the outstanding amount of General Provident Fund. A counter affidavit to this effect has also been filed.

3. The claim of the appellant is that since, the payment of Leave Encashment and Group Insurance, has been made after delay, therefore, the appellant is entitled to interest as well.

4. We do not find any merit in the said claim. There was dispute with regard to the entitlement of the appellant, which has been now resolved and the respondents have made the payment.

5. Reference placed by the learned counsel for the appellant on the judgment of the Hon'ble Supreme Court in the case of D.D.Tewari v. Uttar Haryana Bijli Vitran Nigam Limited & Ors., (2014) 8 SCC 894 for grant of interest is not tenable as the Court has granted interest when there was erroneous withholding of the Gratuity amount. Since, there is no intentional delay in payment of Leave Encashment and of Group Insurance, we do not find any merit in the claim of the appellant for grant of interest.

6. No further order is called for except to the extent that the cost imposed by the learned Single Bench of Rs. 5000/- is set aside.

7. The Letters Patent Appeal stands disposed of.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/-

AFR/NAFR	NAFR
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