

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.847 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 3866 of 2013

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1. Ramdhan Chakrawarti, Son of- Late Devendra Chandra Chakrawarti,
Resident of- Road No. 06C, Rajendra Nagar, P.S.- Kadamkuan, District-
Patna Petitioner-Appellant

Versus

1. The State of Bihar, through the Secretary, Health Department,
Government of Bihar, Patna
2. The Accountant- General, Bihar, Patna
3. The Director-in-Chief, Health Services, Government of Bihar, Patna
.... Respondents-Respondents

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Appearance :

For the Appellant : Mrs. Mahasweta Chatterjee, Adv.

For the Respondents : Mr. Ashok Kumar Pathak, AC to GP XXI

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN

AMANULLAH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

4 24-10-2016

The prayer in the present Letters Patent Appeal is to quash the order passed by the learned single Judge on 24.10.2013, whereby the claim of the petitioner-appellant for payment of interest on the arrears of salary was not entertained.

The petitioner-appellant attaining the age of superannuation on 01.02.1992, but, it was in the year 2009; he filed the writ petition (CWJC No. 10621 of 2009) claiming promotion and consequential benefits. The learned single Judge issued a show cause on 28th September, 2010 to the members of the committee have considered the claim of the appellant, as to why heavy costs should not be awarded to the petitioner-appellant.

Thereafter, the said writ petition was decided on 04.05.2012, when the Court has passed the following order :

“In that view of the matter, this Court would give liberty to the petitioner to file his representation before the Director-in-Chief of the Health Services highlighting his grievance as with regard to arrears of payment of salary, lesser fixation of pay as well as payment of reduced retirement benefits and also the entitlement of actual amount payable to the petitioner in view of the aforesaid order dated 18.01.2011.

Once the petitioner would file his representation as with regard to his aforesaid grievance, the Director-in-Chief of Health Services would be required to examine them and pass a final order within a period of six months. If the petitioner is found entitled for certain amount of payment in view of the order of the Director-in-Chief, the resultant payment thereof also must be ensured to the petitioner in next two months.”

A perusal of the order shows that this Court has not granted any interest while the writ was decided on 04.05.2012 as the grievance of the appellant stand redressed with the order, dated 18th January, 2011. The only liberty granted to the petitioner-appellant was to submit representation in respect of the grievance regarding pay in fixation which was said to be not done properly.

Once, this Court has not granted interest in the earlier

writ petition, there could not be second petition for claim of the interest as interest was consequential benefit which stood declined when the earlier writ petition was dismissed.

In view of the said fact, we do not find any merit in the claim of the appellant for the grant of interest. The Letters Patent Appeal is thus dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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