

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8600 of 2014

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Arjun Singh Son o Late Kapildeo Singh Resident of Mohalla- Bengalipara,
P.S- Rajgir, District- Nalanda (Bihar)

.... Petitioner

Versus

1. The State of Bihar
2. The Director General of Police, Government of Bihar, Patna.
3. The Inspector General of Police, Criminal Investigation Department,
Government of Bihar, Patna.
4. The Deputy Inspector General of Police, Criminal Investigation
Department, Government of Bihar, Patna.
5. The Superintendent of Police, Criminal Investigation Department, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Pramod Kumar, Advocate
For the State : M/s Yogendra pd. Sinha, AAG 15
Shankar Kumar, AC to AAG 15

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 30-01-2016

Heard learned counsel for the petitioner and the State.

Petitioner claims that even after his retirement in the year 2009 the amount as against the encashment of earned leave, dues of third arrear of ACP and enhanced arrears of gratuity which was due on the date of his retirement were not paid but after filing of this writ application the same has been paid in the month of May, 2015.

However, he submits that in view of the delayed payment he is entitled for interest for the delayed payment.

Learned counsel appearing for the State submits that the delayed interest payment in view of the circular of the State Government would be admissible only on all kinds of pension and death-cum-retiral gratuity and not for the earned leave encashment or dues of third arrear of A.C.P.

However, learned counsel for the petitioner places reliance upon a decision of the Apex Court reported in **S.K.Jha Vs. The State of Haryana & another [(2008) 3 SCC 44]** and submits that the retiral dues of another nature are not bounty and as such grant of relief claimed under Articles 14, 19 and 21 is permissible.

No counter affidavit has been filed as yet in the writ application.

Accordingly, this writ application is being disposed of with a direction to the respondent no. 3 to examine the matter of the petitioner and if he finds that delay has been made on the payment of the aforesaid dues then the simple interest of 5 % per annum would also be admissible to the petitioner and should be paid to him as the matter has been kept pending for about six years.

It is expected that the whole exercise would be completed within a period of three months from the date of receipt /

production of a copy of this order.

(Dr. Ravi Ranjan, J)

Spd/-

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