

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2389 of 2016

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1. Sumitra Devi Wife of Late Ram Surat Singh, Resident of Village -
Satyamcha, P.O. - Bhasar Machaha, P.S. and District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health,
Patna.
2. The Director - in - Chief, Health Service, Bihar, Patna.
3. The Civil Surgeon - cum - Chief Medical Officer, Begusarai.
4. The Accountant General (A & E) Bihar Birchand Patel Path, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajoy Kumar Chakraborty

For the Respondent/s : Mr. Gp9- Din Bandhu Singh

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

6 06-09-2016 Pursuant to this Court's order, dated
30.08.2016, the Civil Surgeon -cum- Chief Medical Officer,
Begusarai, is personally present in Court.

A supplementary counter affidavit has been filed
on behalf of respondent no. 3, stating therein that payment
of final pension has been authorized in favour of the
petitioner with effect from September, 2014, till August,
2016. It has also been stated that amounts under different
heads (i.e., group insurance, leave encashment, general
provident fund and gratuity) have also been paid.

Learned Counsel appearing on behalf of the
petitioner has, however, submitted that because of delayed

payment of post retiral dues, the respondents may be directed to pay interest on the amount from the date when they became due till the date of actual payment.

There is no statutory provision for grant of interest on delayed payment of post retiral dues, though, the State-respondents, in their discretion, decide to pay interest thereon.

It is true that the Writ Court can direct payment of interest for delayed payment on post retiral dues, in the facts and circumstances of the present case, I do not intend to pass such order.

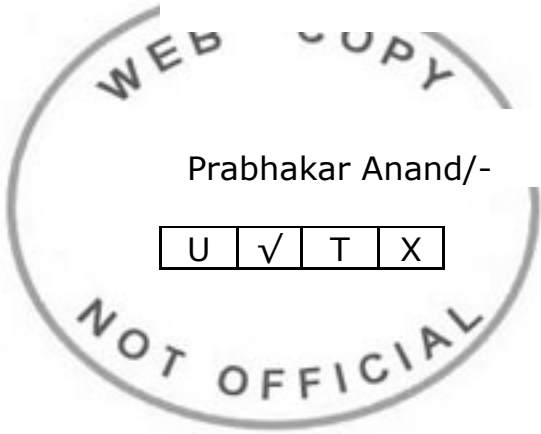
I, however, direct the Civil Surgeon –cum- Chief Medical Officer, Begusarai, to consider petitioner's case for grant of interest on delayed payment and pass an order within a period of one month from today.

If the Civil Surgeon –cum- Chief Medical Officer, Begusarai, comes to a conclusion that there was no fault on the part of the petitioner or her late husband, which led to delay in making of payment of pension and gratuity, he will be required to grant the petitioner interest at the rate of 5 per cent per annum.

With the aforesaid observation and directions, this application stands disposed of.

The personal appearance of the Civil Surgeon –

cum- Chief Medical Officer, Begusarai, stands dispensed with.



(Chakradhari Sharan Singh, J.)