

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.303 of 2017

In
Civil Writ Jurisdiction Case No.12889 of 2013

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1. The State of Bihar.
 2. The Principal Secretary, Department of Water Resources, Government of Bihar, Patna.
 3. The Secretary cum Commissioner, Department of Water Resources, Government of Bihar, Patna.

... .. Respondents-Appellant/s

Versus

Yadubansh Sahu, son of Jaglal Seth resident of Mohalla - Indrapuri, House No. 8, Room no. 8 B, P.S. - Patliputra Town, District - Patna.

... .. Petitioner-Respondent/s

Appearance :

For the Appellant/s : Mr. Sitaram Yadav, G.P. 16

For the Respondent/s :

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-11-2017

Re.: Interlocutory Application No.1133 of 2017

Delay of 111 days in filing of the Letters Patent Appeal is condoned.

Interlocutory Application stands allowed and disposed of.

Re.: Letters Patent Appeal No. 303 of 2017

Having heard learned counsel for the State, we find that for the delay that was occasioned in payment of salary to the respondent employee for the period from 01.04.1981 to 31.01.1998, over and above the interest already paid by the State Government, the learned Writ Court has awarded interest at the rate of 5% in addition to what has already been paid. In fact, what has been paid by the



learned Writ Court is not interest, but it is a compensation awarded to the employee concerned on account of the fact that the State Government caused delay for more than 20 years in settling the claim of the employee concerned.

In view of the above, the discretion exercised by the learned Writ Court is found to be in accordance to the requirement of law. We are not inclined to interfere into the matter merely because according to the counsel for the State interest at the rate of 5% for delay was already paid to the employee concerned. In fact, the amount paid is not interest, but it is a compensation as the learned Writ Court uses the words, i.e. “it will be proper to compensate the loss suffered by the writ petitioner and the compensation is quantified at 5% simple interest”, in fact, it is only quantification of the compensation.

In view of the above, we see no reason to make any indulgence into the matter. The appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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