

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12875 of 2008

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1. Manish Kumar, son of Late Jagdish Prasad
2. Mamta Sahay
3. Namita Verma
4. Archana Srivastava
5. Swati Srivastava,
6. Shalini, Daughters of Late Jagdish Prasad, resident of C/o Late Bhawati Charan Prasad (Advocate), Mohalla Bangali Tola, P.O. Laheriasarai, Town & District Darbhanga

.... Petitioners

Versus

1. The State of Bihar
2. The Secretary / Commissioner, Department of Animal Husbandry & Fisheries, Government of Bihar, New Secretariat, Patna
3. Director, Department of Animal Husbandry & Fisheries, Government of Bihar, New Secretariat, Patna
4. Regional Director, Animal Husbandry, Darbhanga Region, Darbhanga
5. District Animal Husbandry Officer, Madhubani.
6. The Secretary, Department of Finance, Govt. of Bihar, Old Secretariat, Patna
7. The Joint Secretary, Department of Finance, Govt. of Bihar, Old Secretariat, Patna
8. Under Secretary, Department of Finance, (oSO nk0 fu0 dks0) Govt. of Bihar, Patna
9. Accountant General Bihar, Office of the Accountant General Bihar, Birchand Patel Path, Patna

.... Respondents

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Appearance :

For the Petitioners : Mr. Rabindra Nath Kanth, Advocate

For the Respondents : Mr. Umesh Nr. Dubey, AC to GP 27

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-09-2017

The present writ petition has been filed for the following
reliefs –

“(i) To make payment of arrears of salary for the period
03.01.1986 to 31.01.1995 on account of fixation of
salary in the revised scale of pay by the Department of
Finance, Government of Bihar, Patna, by an order



issued vide Memo No. 7395 dated 20.09.1995;

(ii) To make payment of the arrears of salary for the period 10.06.1992 to 31.01.1995 on account of pay fixation due to First Time Bound Promotion granted to the original petitioner by Departmental Notification No. 3418 dated 10.06.1992 and accordingly petitioner's pay has been allowed to be fixed in the promoted scale of Rs. 3,000 to 4,500 by an order issued vide Memo No. 7419 dated 21.09.1995 by the Department of Finance, Govt. of Bihar; and

(iii) To make payment of interest over the total calculated amount at the rate of 10% per annum till the date of payment on account of delay."

2. At the very outset, learned counsel for the original petitioner fairly accepts that payment of the dues has now been received and hence, the grievance of the petitioner has been redressed in this behalf. However, the petitioner claims interest on account of the delay in such payment.

3. It appears that the original petitioner had superannuated 31.01.1995 and has been pursuing his claim for payment of revised scale of pay and First Time Bound Promotion. By Memo No. 200 dated 13.01.2010, the Director, Department of Animal Husbandry & Fisheries, Government of Bihar directed the District Animal Husbandry Officer, Madhubani to make available the relevant documents with regard to the revised pay of the petitioner to which he was entitled. It therefore prima facie appears that at least from the said



date there has been delay on the part of the respondents in making payment of the amount by way of revised pay to which the petitioner was found entitled and has now been paid.

4. In the above view of the matter, the writ petition is disposed of with liberty to the petitioners to approach the concerned authority with an appropriate representation for grant of interest in respect of the delay from 13.01.2010 onwards in making payment to the petitioners.

(Vikash Jain, J)

B.T/Ibrar

AFR/NAFR	NAFR
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