

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.5231 of 2012

Arising out of

Civil Writ Jurisdiction Case No. 8267 of 2012

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Iqbal Hussain S/O Late Abdul Aziz, R/O Mohalla - Brahbatra, P.S. Arrah Town,
District - Bhojpur, Permanent Resident of Mohalla - Neem Lohar, P.S. Sasaram
Town, District - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Transport, Patna, namely, Uday Singh Kumawat,
2. The Administrator, The Bihar State Road Transport Corporation, Sultan Palace (Pariwahan Bhawan), Birchand Patel Road, Patna, namely, Uday Singh Kumawat,
3. The Divisional Manager, Bihar State Road Transport Corporation, Bankipur, Patna Division, Patna, namely, Rang Resh Bihari.

.... Opposite Parties.

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Appearance:

For the Petitioner/s : Mr. Md. Ataul Haque, Advocate.

For the Respondent-State: Ms. Alka Verma, AC to SC 17.

For the BSRTC: Mr. Jainendra Kr. Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 06-03-2017

The Writ Application filed by the petitioner was disposed of on 26.04.2012 with a direction to the respondents to consider the representation of the petitioner giving details of his claim of salary amount and interest thereon. The respondent no. 2 was directed to decide the same by a speaking order and if any admitted dues and interest was found to be admitted and payable, it should be paid to the petitioner immediately thereafter.

2. In pursuance of such an order, the petitioner has been paid arrears of salary from January, 1994 to 5th September, 2006, Dearness Allowance and Interim Relief as per the order passed on



04.10.2012 (Annexure ‘A’ to the Show Cause).

3. The grievance of the petitioner is that the petitioner has not been paid any interest on the delayed payment of arrears of salary. Learned counsel for the petitioner could not point out any rules or instructions that the delayed payment of salary will carry interest. In absence of any stipulation regarding payment of interest in the service rules or any instructions, the petitioner cannot claim interest and, that too, in the contempt petition, when the order passed by the Learned Single Judge has not quantified interest.

4. In view of the above facts, no contempt is made out. The contempt petition is disposed of as infructuous.

(Hemant Gupta, ACJ)

Dilip/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	

