

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1658 of 2017

In
Civil Writ Jurisdiction Case No. 6392 of 2016

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1. The State of Bihar through its Principal Secretary, (Education Department), Govt. of Bihar, New Secretariat, Patna.
 2. The Director Secondary, Education Department, Govt. of Bihar, New Secretariat, Patna.
 3. The Regional Deputy Director, Tirhut Division, Muzaffarpur.
 4. The District Education Officer, Vaishali at Hajipur.
 5. The District Programme Officer (Establishment), Vaishali.
 6. The Treasury Officer, Hajipur, Vaishali.
 7. The District Accounts Officer, Vaishali.
 8. The Drawing and Disbursing Officer, K.K. Vidya Mandir, Dharhara, Vaishali.

.... Petitioner/s

Versus

1. Rama Prasad Sharma, Son of Late Asharfi Chaudhari, Resident of Village - Kutubpur Dumar, P.O. - Minapur Rae, P.S. - Hajipur Sadar, District - Vaishali.

.... Petitioner-Respondent 1st set

2. The Accountant General, Bihar, Patna.

.... Respondent-2nd set

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Appearance :

For the Petitioner/s : Mr. Amarendra Kumar

For the Respondent/s : Mr. Shashi Bhushan Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

- 3 23-08-2017 This application has been filed by the petitioners for modification of the order dated 16.12.2016 passed in C.W.J.C. No. 6392 of 2016 by which the respondents (petitioners in the present application) were directed to pay the petitioner (respondent-1st set in the present application) all his post-retiral benefits within two months failing which they were directed to pay interest at the rate of 8% per annum on delayed payment of retiral dues.



It is submitted by the learned counsel for the petitioner that while passing the order the conduct of the writ petitioner has not been properly appreciated. He has submitted that the delay caused in payment of retrial benefits to the petitioner was mainly because of the lapses on the part of the writ petitioner. He has contended that under the facts and circumstances of the case the aforestated order dated 16.12.2016 be modified to the extent whereby direction has been issued for payment of interest on delayed payment of retrial dues.

On the other hand, learned counsel appearing for the respondent-1st set (petitioner in the writ petition) has submitted that the order in the writ petition was passed after hearing both the parties. He has submitted that the State failed to pay retrial benefits to the writ petitioner even after two years of his retirement without there being any valid reason for the same.

I have heard both the parties.

I find substance in the submission of the learned counsel for the respondent-1st set. I cannot modify my earlier order unless I am satisfied that material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice. Evidently, in the name of seeking modification the petitioners want rehearing of the entire matter, which is not



permissible in law.

In that view of the matter, I see no merit in this application. It is, accordingly, dismissed.

(Ashwani Kumar Singh, J)

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