

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2294 of 2016

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Deo Nandan Sao Son of Late Ganauri Sao, Resident of Ashok Nagar West Road
No. 4 Kankarbagh, Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Information and Public Relation Department, Government of Bihar Old Secretariat, Patna.
2. The Director Information and Public Relation Department Government of Bihar Old Secretariat, Patna.
3. The Joint Director (Establishment), Information and Public Relation Department Government of Bihar Old Secretariat, Patna.
4. The Accountant General Bihar Birchand Patel Marg, Patna.
5. The Treasury Office, Secretariat, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 06-12-2017

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court for payment of
12% interest on the retiral dues paid to him for the delayed period.

3. Learned counsel for the petitioner submitted that he
had superannuated in the year 1993 and ultimately only in the year
2014, full dues of the petitioner was paid to him. He drew the



attention of the Court to order dated 16.07.2013 passed by a co-ordinate Bench in C.W.J.C. No. 8710 of 2006, by which liberty had been given to the petitioner to file a representation with regard to arrears of salary and in that context, the Court had observed that it would be open for the petitioner to make a prayer for interest. Learned counsel submitted that such a representation was filed but interest has been denied.

4. Learned counsel for the State submitted that the writ petition is misconceived. Learned counsel drew the attention of the Court to Annexure-A of the counter affidavit, which is copy of the order dated 06.07.1998, in C.W.J.C. No. 8265 of 1997, which was the writ petition filed by the petitioner seeking retiral benefits and in the same, a direction was given to pay him the amount with statutory interest. Learned counsel submitted that the petitioner himself at paragraph no. 5 has stated that in terms of the order of the Court in C.W.J.C. No. 8265 of 1997, his entire pensionary benefits have been paid. Thus, learned counsel contended that the issue is limited to arrears of salary and interest thereof. It was submitted that the observation to pray for interest before the authority has to be understood in the proper prospective and implies that the authority is to consider such prayer within the parameters of law and the authority cannot exceed his jurisdiction by allowing something



which is beyond his capacity or power. It was submitted that such observation is only in terms of what is permissible, either by the statute or power conferred on the officer to consider and decide such plea. In the present case, there being no power conferred on the officer to grant any interest over and above the statutory, the same has been denied and further that once the petitioner himself has stated that all his dues in terms of the earlier order of the Court in which a direction was to pay amount with statutory interest, having been paid, the obvious implication is that all those dues had been paid along with the statutory interest.

5. Having considered the matter, the Court does not find any merit in the writ application. The contention of learned counsel for the State is correct that once in the first round of litigation, pursuant to the order of the Court, the payment of retiral dues have been made with statutory interest, as has been admitted at paragraph no. 5 of the writ petition itself, the scope cannot be enlarged in the present writ application. Moreover, the observation to represent before the authority for payment of arrears of salary and making it open to the petitioner to pray for interest obviously is limited to the authority considering payment of interest based on any statutory or other power vested in him. In absence of learned counsel for the petitioner showing any provision which confers any



power/discretion/ authority on the officer to consider and grant interest, the Court is unable to interfere in the matter.

6. Accordingly, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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