IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2589 of 2016

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1. Ram Tahal Singh Son of Late Surya Narayan Prasad Singh, Resident of Village - Pahsara, Police Station - Nao Kothi, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director, Primary Education Bihar, Patna.
3. The Accountant General, Bihar, Patna.
4. The District Education Officer, Begusarai.
5. The District Programme Officer (East) Begusarai.
6. The Treasury Officer, Begusarai.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Rakesh Kumar
For the Respondent/s : Mr. Sanjay Kumar, AC to SC 15
For the Accountant General: Mr. Ram Kinker Choubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 10-08-2017 Heard learned counsels for the parties.

The present writ application has been filed for a direction to the respondent authorities to make payment of interest on the post retiral benefits, calculated from the date it fell due to the date of actual payment.

The petitioner was appointed as Assistant Teacher on 9.10.1968 and was posted in the Lower Primary School, Tilak Nagar, Begusarai. The petitioner retired on 31.1.2004 while under suspension, in pursuance to Naokothi P.S. Case No. 16 of 1994 registered against the petitioner with accusation under sections 197,198,420,465,468 and 471 of the IPC, wherein the petitioner was subsequently acquitted vide judgment dated 6th May, 2011 passed in G.R. No. 404/94 / 493/11 passed by J.M. Ist Class, Begusarai, but the petitioner was paid his retiral dues in 2014. The petitioner made representation, for payment of interest, accruing from the date the amount fell due, before the District Programme Officer, Begusarai on 1.11.2015, but the said representation has not yet been disposed of nor the interest has been paid.

It is submitted by learned counsel for the petitioner that the petitioner is entitled for payment of interest on the delayed payment of post retirement benefits, at least from the date of acquittal till the date of actual payment, if not from the date of retirement in 2004.

Though no counter affidavit has been filed on behalf of the respondent State but it is submitted that there was delay in payment of retiral dues since the service book of the petitioner was not traceable in the office.

Learned counsel for the Accountant General submits that until the authority letter is issued by the department corresponding to the claim of the petitioner, the Accountant General has no role to play with regard to the payment of post retiral dues.

Considering the rival submissions of the parties, prima facie, it appears that the petitioner is atleast entitled to payment of interest from the date of acquittal in the criminal case till the date of actual payment.

In that view of the matter, the respondent authorities are directed to consider the representation of the petitioner as contained in Annexure 5 and dispose of the same with speaking order within a period of eight weeks from the date of receipt/production of a copy of this order.

Accordingly, this writ application is disposed of with a liberty to the petitioner to challenge the order passed by the respondent authorities on his representation if he feels aggrieved with the same.

(Dinesh Kumar Singh, J)

Anil/-

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