

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1394 of 2015
IN
Civil Writ Jurisdiction Case No. 18552 of 2011

- =====
1. The State Of Bihar
 2. The Chief Secretary, Bihar Patna.
 3. The Accountant General, Bihar, Patna.
 4. The District Magistrate, Patna
 5. The Superintendent Ideal Central Jail Beur, Patna.
 6. The Superintendent Central Jail, Muzaffarpur.
 7. The Superintendent Mandal Central Jail, Motihari.
 8. The Superintendent Mandal Central Jail, Madhubani.
 9. The Superintendent Mandal. Central Jail, Darbhanga.
 10. The Superintendent Mandal Central Jail, Samastipur.
 11. The Superintendent Mandal Central Jail, Bettiah.

.... Appellants

Versus

Jai Narayan Choudhary, S/o Late Ram Baran Choudhary, resident of Village-Kharaunadih, P.S-Kudhani, Distt.- Muzaffarpur.

.... Respondent

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Appearance :

For the Appellants : Mr. Kameshwar Kumar, GP-17
Mr. Arbind Kumar, AC to GP-17
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 11-01-2017

Though the Court is not convinced with the rationale and the reasoning provided in the limitation petition for delay, but even if the delay is condoned, on the merits of the matter as well the Court does not find any infirmity with the reasoning and rationale for granting 5% interest over and above the principal amount of gratuity and pension for delay of almost five years.

The petitioner before the writ Court had retired in the



year 2009 and his final settlement was made only in the year 2014, therefore, he was denied the benefit of his pension and gratuity within the time frame and it is in this background that the learned single Judge taking cue not only from the Circular of the State Government, but also a decision of the Hon’ble Apex Court, in the case of D.D.Tewari (Dead) through Legal Representative Vs. Uttar Haryana Bijli Vitran Nigam Limited and Others, reported in (2014) 8 SCC 894, has decided to pass an order for a direction to pay 5% interest on pension and gratuity.

Since the order does not suffer from any legal infirmity, the appeal is dismissed being devoid of merit.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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