

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.215 of 2016
IN
Civil Writ Jurisdiction Case No. 687 of 2009**

- =====
1. The State Of Bihar through Commissioner –cum- Secretary, Department of Water Resources, Govt. of Bihar, Sichai Bhawan, Patna
 2. The Under Secretary, Department of Water Resources, Govt. of Bihar, Old Secretariat, Patna
 3. The Chief Engineer, Water Resources Department (Irrigation), Anisabad, Patna
 4. The Treasury Officer, Sichai Bhawan, Patna
 5. The District Provident Fund Officer, Patna

.... Respondents- Appellants

Versus

1. Ram Chandra Thakur, S/o Late Ram Sarwal Thakur, R/o village Harpur, P.S. Peor, District- Muzaffarpur
Petitioner- Respondent 1st Set
2. The Accountant General, Bihar, Patna
Petitioner-Respondent 2nd Set

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Appearance :

For the Appellant/s : Mr. Alok Ranjan, Advocate
For the Respondent/s : Mr. Aditya Narain Singh, Advocate
Mr. Kundan Kumar Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 18-07-2017

Shri Alok Ranjan, Advocate appears for the State Government.

Mr. Aditya Narain Singh, Advocate appears for the respondents.

The writ petitioner is a retired employee and his petition has been allowed to the extent of granting interest at the rate of 12% for the delay in settlement of his pensionary benefit. We propose to pass the following order after hearing learned counsel for the respondent No.1.



This appeal has been filed by the State Government seeking exception to an order dated 6.8.2015 passed by the Writ Court in CWJC No. 587 of 2009. The respondent No. 1-employee was working in the Water Resources Department and on attaining the age of superannuation in the year 2004, he retired from the post of Junior Engineer. While in service he was suspended on 29.7.1999 because of his involvement in a criminal case under Section 498A. During the period of his suspension he retired but after his retirement his pensionary benefit was not settled. He represented and on his representation it was found that he was acquitted in the year 2008 and finally even the departmental proceedings initiated against him, culminated by dropping the proceedings in the year 2010. In spite of that when the pensionary benefit was not granted, he filed a writ petition in 2009 and the learned Writ Court found that during the pendency of the writ petition in the year 2012 the pensionary benefit was settled. However, it was found by the learned Writ Court that merely because the petitioner was suspended on account of his involvement in a criminal case for the offences under Section 498A and no action was taken against him, his pensionary benefit after retirement in 2004, cannot be withheld, this is not permissible in law and finding delay of 8 years in settling the pensionary benefit, directed payment of interest at the rate of 12%.



In doing so for the reasons as are indicated hereinabove,
we see no error in the order of the Writ Court warranting
reconsideration.

The appeal stands disposed of.

(Rajendra Menon, CJ)

S.Pandey/-

(Anil Kumar Upadhyay, J)

AFR/NAFR	NAFR
CAV DATE	NA
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