

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11491 of 2017

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Dhananjay Kumar aged about 65 years S/o Late Ram Anutha Thakur Resident of Mohalla K-615 Sector K Kankarbagh, P.S. Patrakarnagar, P.O. Lohiya Nagar, District- Patna.

.... Petitioner/s

Versus

1. The Bihar State Housing Board through the Managing Director having his office at 6 Mangles Road, P.S. Shachivalaya, District- Patna.
2. The Secretary Bihar State Housing Board having his office at 6 Mangles Road, P.S. Shachivalaya, District- Patna.
3. The Executive Engineer Muzaffarpur Division Bihar State Housing Board having his office at Muzaffarpur, District- Muzaffarpur.
4. The Regional Commissioner Employees Provident Fund having his Office at R-Block Chauraha, P.S. Sachivalaya, District- Patna.
5. The Divisional Manager, Life Insurance Corporation of India Fraser Road, P.S. Kotwali, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vikas Mohan, Advocate
For the EPFO	:	Mr. Sarvadeo Singh, Advocate
For the LIC	:	Dr. Ratan Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 26-03-2018

Heard learned counsel for the petitioner; Bihar State Housing Board (hereinafter referred to as the 'Board'); Employees Provident Fund Organisation and Life Insurance Corporation of India.

2. The petitioner has moved the Court for the following reliefs:

“1. That this application is being filed for issuance of writ in the nature of mandamus directing the respondents to issue sanction order and make payment of post retrieval amount of the



petitioner i.e. Pension, Gratuity, Contributory Provident fund and Group Insurance along with 18% interest per annum from due date till the actual payment is made apart from statutory interest.

2. That petitioner prays for the following relief.

(a) That writ's in the nature of mandamus may be issued directing the respondents to issue sanction order and make payment of post retiral amount to the petitioner i.e. Pension Gratuity, Contributory Provident fund and Group Insurance amount from 01.09.2012.

(b) That the respondents be further directed to pay interest on retiral amount of the petitioner as the petitioner retired on 31.08.2012 and 5 years going to be expired but except leave encashment nothing has been paid to petitioner.

(c) That any other relief or reliefs for which the petitioner is entitled may be granted by this Hon'ble Court."

3. From the pleadings on record, the Court finds that the admitted dues of the petitioner as claimed in the writ petition have been paid to him.

4. Learned counsel for the petitioner submitted that there is delay of five and half years in making the payment of retiral dues.

5. Learned counsel for the Board submitted that as the



petitioner was posted in the State of Jharkhand at various places during his service tenure, getting ‘No Objection’ from the State of Jharkhand, in view of the fact that there is a separate Housing Board for the State of Jharkhand, the Board took time and thus there was no deliberate or wilful delay or laches on the part of the officers of the Board.

6. Having considered the matter, as the amount paid to the petitioner under various heads is substantial and reasons for delay appears to be justified, as the information had to come from the authorities which are not under the control of the Board, the Court finds that no case has been made out for payment of interest.

7. Accordingly, the writ petition stands disposed off.

(Ahsanuddin Amanullah, J.)

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