

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7376 of 2016

=====

Raj Kumar Singh, Son of Late Triveni, resident of -115, Gandhi Path,
(North) Shrikrishnapuri, P.S.- Patliputra, District- Patna (Bihar)

.... Petitioner

Versus

1. The State of Bihar, through Principal Secretary, Department of Water Resources, Government of Bihar, Sinchai Bhawan, Patna
2. The Principal Secretary, Department of Water Resources, Government of Bihar, Sinchai Bhawan, Patna
3. The Principal Secretary, Department of Finance, Government of Bihar, Old Secretariat, Patna
4. The Joint Secretary (Establishment), Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna
5. The Accountant General, Bihar, Birchand Patel Path, Patna

.... Respondents

=====

Appearance :

For the Petitioner	:	Mr. Ashok Kumar Singh, Sr. Adv. with Mr. Prem Ranjan Raj, Adv.
For the State	:	Mr. Rajiv Roy, GP I with Mr. Arun Kumar, AC to GP I
For the AG	:	Mr. Raghwanand, Adv.

=====

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date: 24-01-2018

Heard Mr. Ashok Kumar Singh, learned Senior Counsel along with Mr. Prem Ranjan, learned counsel for the petitioner; Mr. Rajiv Roy, learned Government Pleader I for the State and Mr. Raghwanand, learned counsel for the Accountant General.

2. In substance, the stand of the petitioner is that because of various prosecutions against him, both departmentally and on the criminal side, he was denied actual payment of his benefits relating to service period as well as post retiral benefits for almost twenty years and all proceedings have resulted either in



acquittal or interference by the Court. In substance, therefore, the stand is that the same were without any basis and clearly for oblique purpose to harass the petitioner and not on any substantial material available to the authorities against the petitioner.

3. The State has taken stand that on the post the petitioner had superannuated, all due benefits had been given to him and whatever has subsequently become due has been given either pursuant to the order passed by the High Court or on the acquittal in the criminal case by the trial Court. It was submitted that the payment made was in close proximity to the order passed by the Courts and, thus, there was no deliberate denial or delay by the authorities, as for a valid reason, at the relevant point of time, such payments were not made, which cannot be said to be a deliberate attempt to either harass or discriminate against petitioner.

4. Learned counsel for the petitioner has relied on various materials on records and also the order of a Division Bench of this Court in the case of **Ram Sumer Ahair Vrs. Union of India & Ors.**, reported as **2004(1) P.L.J.R., 158** and of the Hon'ble Supreme Court in the case of **Dr. Ram Lakhan Singh Vrs. State of Uttar Pradesh**, reported as **2015 A.I.R., S.C.W. 6323** for the proposition that if the payment due to the person is delayed by the authorities, he is entitled to interest/compensation.

5. Having heard learned counsel at length, the Court



can only observe that there may to be material available with the petitioner to show that he may has been targeted by the officers for oblique reasons or there may not have been real substance for his prosecution, either on the departmental side or on the criminal side, but in view of the fact that substantive proceedings, both departmentally and on the criminal side having been instituted, the authorities having waited for making payment in terms thereof cannot be said to have acted arbitrarily as the law prohibits such payment.

6. Further, as the payment made is in close proximity of the petitioner being cleared either departmentally or on the criminal side, the authorities who were In-Charge at the relevant point of time also cannot be said to have acted arbitrarily or with a view to harass the petitioner. The petitioner at the relevant point of time getting the due to which he was legally entitled in view of the statutory provisions, the Court in its extra ordinary, prerogative and discretionary jurisdiction under Article 226 of the Constitution of India feels handicapped to come to a conclusive finding, which requires detailed reference to factual aspects to enable it to pass any positive order in favour of the petitioner, for the same would require giving categorical findings of fact on the materials brought before the Court and which shall be subject to scrutiny after adducing evidence.



7. In view thereof, the writ petition stands disposed off with liberty to the petitioner to move before the competent Court/forum in accordance with law to claim any loss/damage/interest/compensation against the persons/authorities concerned for being denied payment of his dues for a long period. It the same is filed, the forum/Court concerned shall decide the same in accordance with law, on its own merits, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

SA/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24.01.2018
Transmission Date	N/A

