

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.709 of 2014

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Dr. Onkareshwar Prasad aged about 67 years, Son Of Late Akhileshwar Prasad
Resident of Flat No. 201'D', Lekhraj Parishar, Road No. 3, East Patel Nagar, P.S.-
Shastrinagar, Dist.- Patna- 23

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar having his office at Old Secretariat, P.S.- Sachivalaya, Dist.- Patna
2. The Principal Secretary, Planning & Development Department, Government of Bihar having his office at Old Secretariat, P.S.- Sachivalaya, Dist.- Patna
3. The Principal Secretary, Finance Department, Government having his office at Old Secretariat, P.S.- Sachivalaya, Dist.- Patna
4. The Accountant General (A & E) Bihar, Patna having his office at Birchand Patel Path, Police Station Kotwali, Dist.- Patna
5. The Treasury Officer, Patna having his office at Vishweshraiya Bhawan, District- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikas Mohan, Advocate
For the State : Mr. Vishwambhar Prasad, AC to AAG-5
For Accountant General (A & E) : Mr. Binod Kumar Labh,
Standing Counsel 1.A & A.O.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-09-2018

Heard learned counsel for the petitioner; State and
Accountant General.

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

*“ For issuance of writ in the nature of
certiorari quashing the orders dated 10.09.2013
and 30.09.2013 by which interest for delayed
payment of gratuity and leave encashment for
more than eight years has been stated therein not*



admissible in case of the petitions by respondents.”

3. The petitioner had also preferred C.W.J.C. No. 5744 of 2014 for quashing letter no. 4327 dated 03.10.2013 by which the penalty of withholding of 5% pension to the petitioner with effect from 23.05.2012 was challenged. The writ petition was allowed by order dated 20.04.2018 and the 5% withheld amount was also restored with retrospective effect and direction was made for payment within three months.

4. In view of the aforesaid, as there was a substantive order against the order with regard to payment of his retiral dues which was finally settled by the order of the Court dated 20.04.2018, in the opinion of the Court, the petitioner is not entitled to interest as the reason for delayed payment cannot be said to be *mala fide* or unjustified.

5. Having regard to the aforesaid, the writ petition stands disposed off.

(Ahsanuddin Amanullah, J)

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