

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12007 of 2016

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Ram Vyas Trivedi Son of Late Ram Deni Trivedi resident of Village - Bel, P.O. - Bel, P.S. - Obra and District - Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resource Development, Government of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The District Education Officer, Aurangabad.
4. The Regional Deputy Director, Gaya.
5. The District Programme Officer, Sarva Shiksha Abhiyan, Aurangabad.
6. The Block Education Officer, Block Refiganj, Aurangabad.
7. The Head Master Government Middle School, Barahi Hindi, Rafiganj, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma, Advocate
For the Respondent/s : Mr. Rakesh Kumar Shrivastava, A.C. to G.P. 15

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 05-07-2018

Heard learned counsel for the petitioner and State.

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

“That this writ application is being filed for direction to the concern authority to pay statutory as well as penal interest relative to the deliberate delayed payment of post retire Benefit as well as pensionary benefit in delay of about 2 to 4 years from the date of superannuation.”



3. In effect, the petitioner seeks penal interest on the delayed payment. The petitioner superannuated on 31.07.2012 and payments of arrear of pension was made in August, 2014, gratuity in April, 2015, revised pension in April, 2015 and GPF in February, 2016. From the materials, especially that brought on record in the counter affidavits filed on behalf of the authorities, it transpires that due to action/inaction of the petitioner himself, No Dues Certificate was granted to him on 23.04.2014, pursuant to his application itself having been made on 26.03.2014, the Court finds that the payments made are within months of the petitioner completing the formalities. Moreover, with regard to G.P.F., the authority has been issued in December, 2015 with interest up till December, 2015 and actual payment has also been made in February, 2016. Thus, the Court does not find that there is any fault or lapse on the part of the authorities which may warrant award of any penal interest.

4. In view thereof, the writ petition stands dismissed.

5. After the order had been passed, learned counsel for the petitioner drew the attention of the Court to Annexure-2, which indicates that the petitioner had submitted certain bills with regard to purchase made by him, in official capacity, of various items. It is the stand of the petitioner that no payment of the same has been made.



Learned counsel for the State submitted that in the counter affidavit, the stand is that payment has been made in view of the endorsement made by the petitioner on the bill itself with regard to receiving payment.

6. Be that as it may, the petitioner is at liberty to file a representation before the competent authority in the matter. If the same is done within four weeks from today, the authorities shall verify from the official records as to whether actual payment has been made to the petitioner or not and shall pass a reasoned order within four weeks of its filing. If payment is required to be made to the petitioner, the same shall also be made within the next four weeks.

(Ahsanuddin Amanullah, J.)

P. Kumar

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