

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10341 of 2017

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Rambriksh Raut, Son of late Mahanth Raut, Resident of Village – Hurrahi,
P.O. - Pipraun, P.S. - Harlakhi, District – Madhubani.

... .. Petitioner/s

Versus

1. The Accountant General Of Bihar, Bir Chand Patel Path, Patna-1.
2. The State of Bihar represented through the Principal Secretary, Department of Finance, Old Secretariat, Patna.
3. The Additional Secretary, Department of Finance, Old Secretariat, Patna.
4. The District Magistrate, Madhubani.
5. The Circle Officer, Madhubani.
6. The District Provident Fund Officer, Madhubani.
7. Treasury Officer, Madhubani.
8. Assistant Establishment Clerk, Circle Officer, Benipatti, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gopal Jha, Advocate Me. Shree Pal Jha, Advocate
For the Respondent/s	:	Mr. Smt. Anuradha Singh- SC21 Mr. Rakesh Prabhat, AC to SC-21
For the Accountant General:	:	Mr. Binod Kumar Labh, SC, I.A. & A.D.,

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2018 Heard Mr. Gopal Jha, learned counsel for the petitioner, Mr. Rakesh Prabhat, learned AC to SC-21 and Mr. Binod Kumar Labh, learned counsel appearing for the Accountant General.

The present writ application has been filed for a direction to the respondent authorities for payment of the admitted retiral dues, i.e., G.P.F., G.I.C., Gratuity and leave encashment along with due salary for the month of February, 2008 with statutory interest. The relief as prayed for as stipulated in paragraph no. 1 reads as under:-



“(i) To issue a writ in the nature of Mandamus for a direction to the respondents to pay the entire rest admitted retiral dues amount to the petitioner with statutory interest, because the same has not been paid to the petitioner due to callous and negligent attitude of the respondents.

(ii) To issue an appropriate writ for the direction to the respondents authorities specially to respondent no. 6, 7 and 8 to pay the entire dues amount of arrears of pension from February 2014 to October 2016 which is amounting to Rs.7,28,224 as well as the salary for the month of February 2008 with penal interest to the petitioner which has not been paid to him.

(iii) For a direction to the respondents authorities to pay the statutory interest on the delayed payment of G.P.F., G.I.C., Gratuity and Leave Encashment.”

(iv) Any other relief/s for which the petitioner is legally and validly entitled in the facts and



circumstances of the case.

However, in view of the fact that the payments have already been made, the petitioner confines his prayer only to the extent for the interest on delayed payment of pension from February, 2014 to March, 2016, total amounting Rs.7,28,224/- and the salary for the month of February, 2008 with interest.

The factual matrix of the case is that the petitioner was appointed on the post of Revenue Karamchari in the year, 1985 in the establishment of Madhubani Collectorate. The petitioner retired from the post of Revenue Karamchari on 31.01.2014 from Benipatti Anchal. The entire service career of the petitioner was satisfactory. However, retiral dues was not paid leading to filing of C.W.J.C. No. 3688 of 2015 for the following reliefs as stated in paragraph 10 of the writ application, which reads as follows:-

“10. That it is submitted here that lastly the petitioner filed a writ petition before this Hon’ble Court bearing C.W.J.C. No. 3688 of 2015 for the following reliefs.

(i) For the payment of entire admitted retiral dues with statutory interest.

(ii) For fixing the Provisional/Final pension.



(iii) For the payment of salary of February 2008.

(iv) For the payment of differences of salary of A.C.P. and M.A.C.P.

(v) For the granting the benefit of 2nd A.C.P. and thereafter fixing the final pension.

The said writ application being C.W.J.C. No. 3688 of 2015 was disposed of by a co-ordinate Bench of this Court vide order dated 08.09.2016, as contained in Annexure-1, in following terms:-

“However, in the facts and circumstances of the case, the writ application is disposed of with a direction to the respondent-authorities to ensure that the entire retiral dues are paid to the petitioner within a period of three months today.”

In pursuance to that order, as quoted above, payments have been made in August, 2017, though, the present writ application was registered on 22.07.2017. This is not in dispute that no dues certificate was submitted and was available to the authority in 2015. So far as the payment of the petitioner is concerned, it appears that no interest was claimed in first round of litigation, hence, this Court is not inclined to direct the payment of interest for the period prior to the passing of the



order dated 08.09.2016 in C.W.J.C. No. 3688 of 2015, whereby a Bench of this Court permitted the respondent authorities to make the payments within a period of three months. Hence, the petitioner is not entitled to any interest till 07.12.2016. In view of the ratio laid down in the case of **State of Uttar Pradesh and others Vs. Dhirendra Pal Singh, reported in (2017) 1 Supreme Court Cases 49** on which learned counsel for the petitioner has also relied upon, this Court directs the respondent authorities to make payment of the interest @ 6% p.a. on delayed payment of pension for the period 2014 to October, 2016 and the salary for the month of February, 2008 calculating the interest from 07.12.2016 to 31st of July, 2017. The entire exercise should be done within three months of the receipt/production of a copy of this order.

It is open for the respondent authorities to realize the amount of interest from the persons who are responsible for the same, particularly, respondent nos. 4 and 5.

Accordingly, this writ application is disposed of.

(Dinesh Kumar Singh, J)

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