

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.973 of 2017

IN

Civil Writ Jurisdiction Case No. 5050 of 2016

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Harendra Kumar Choudhery, S/o Late Bholan Choudhary,
Resident of Village+P.S.-Nokha, District-Rohtas (Sasaram).

.... Appellant/s

Versus

1. Bihar State Food And Civil Supplied Corporation Ltd. through its Managing Director.
2. The Managing Director, Bihar State Food and Civil Supplied Corporation, Ltd., Head Quarter, Sone Bhawan, R-Block, Patna.
3. The Chief of Administration, Bihar State Food and Civil Supplied Corporation Ltd, Head Quarter, Sone Bhawan, R-Block, Patna.
4. The District Manager, Bihar State Food and Civil Supplied Corporation Ltd. Rohtas, Sasaram.

.... Respondent/s

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Appearance :

For the Appellant/s :Mr. Sachchidanand Singh, Advocate
Mr. Pankaj Kumar Singh, Advocate
For the Respondent No.4 : Mr. Anjani Kumar, Sr. Advocate
Mr. Nirmal Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT & ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 03-10-2018

Feeling aggrieved and dissatisfied by the impugned



judgment and order dated 11.04.2017, passed by the learned Single Judge in C.W.J.C. No. 5050 of 2016, by which the learned Single Judge has dismissed the said petition on the ground of availability of equally efficacious statutory remedy to the original writ petitioner, the appellant-original writ petitioner has preferred the present Letters Patent Appeal.

2. At the outset, it is required to be noted that before the learned Single Judge, the original writ petitioner prayed for arrears of wages for different periods intervening between 01.03.2012 to 15.04.2015.

3. It is reported that during the pendency of the present Letters Patent Appeal, the original writ petitioner has been paid the arrears/amount due and payable for the intervening periods between 01.03.2012 to 15.04.2015, which comes to Rs. 92,160/-.

4. The aforesaid fact is not disputed by the learned counsel appearing on behalf of the appellant-original writ petitioner.

5. Therefore, now the question would be with respect to the rate of interest on the delayed payment of the aforesaid amount.

6. Having heard the learned counsel for the respective parties, we direct the respondent-Bihar State Food and Civil Supplies Corporation to pay the interest @ 8% per



annum from the date of entitlement till the actual date of payment on the delayed payment. The aforesaid shall be calculated within a period of four weeks from today.

7. Now, so far as the order passed by the earlier Division Bench of this Court dated 02.07.2018, awarding the cost of Rs. 25,000/-, is concerned, considering the fact that the original writ petitioner, according to the respondent, was appointed as a piece rated and now the amount has already been paid, we modify the earlier order of the Division Bench and do not pass any order awarding any cost.

8. With the above observation and directing to pay the interest @ 8% per annum on the delayed payment, we dispose of the present Letters Patent Appeal.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

Praveen-II/Shageer

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04.10.2018
Transmission Date	N/A

