IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18007 of 2016

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Lalan Kumar Singh Son of Late Jageshwar Prasad Singh Resident of Village - Rajanpur, P.S. Mahisi, District - Saharsa.

... ... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Revenue Department, Government of Bihar, Old Secretariat, Patna.
3. The Director, Revenue Department, Bihar, Old Secretariat, Patna.
4. The Commissioner, Koshi Pramandal, Saharsa.
5. The Collector, Saharsa.
6. The Sub Divisional Officer, Saharsa Sub Division, Saharsa.
7. The Circle Officer, Kahra Block, Kahra, District - Saharsa.
8. The Director, Consolidation, Bihar, Patna.
9. The Accountant General, Bihar, Birchand Patel Path, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ratan Kumar
For the Respondent/s	:	Mr. Raj Kishore Roy, GP-18
For the Accountant General:		Mr. Satyendra Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

11 27-11-2018 Heard learned counsels for the parties.

The present writ application has been filed for fixation and payment of final pension along with arrears to the petitioner.

The petitioner claims to have been appointed on the post of Mohrir in the office of the Consolidation Officer, Katihar on 16.06.1984. Subsequently, he was adjusted on the post of Revenue Karamchari in the Collectorate cadre on 09.06.1995 and ultimately he retired from the post of Revenue Karamchari on 31.01.2015 from the office of the Circle Officer, Kahra, Saharsa. The petitioner submitted his pension paper in February, 2015. Subsequently, all the retiral dues were paid to the petitioner in April, 2015. However, the service book of the petitioner sent for fixation of pension was returned by the office of the Accountant General, to the department since some discrepancies were found in the Service book. After receiving sanctioning order, authority slip was issued by the office of the Accountant General on 14.06.2017 and subsequently, payment was made to the petitioner. This is not in dispute that the pension along with arrears have been paid but the respondent authorities took more then two years to sanction the pension. Hence, the petitioner claims interest on the said amount relying upon a judgment of the Apex Court in the case of D.D. Tewari (Dead) Through legal representatives Vs. Uttar Haryana Bijli Vitran Nigam Limited and Others, reported in (2014) 8 SCC 894.

Learned counsel for the Accountant General submits that for the first time sanction was made on 29.01.2016, but since some discrepancy was found in the service book, hence it was returned on 27.01.2017 and thereafter the second sanctioning order was issued on 11.05.2017 and within about a month, i.e., on 16.06.2017, the allotment letter was issued to the petitioner, hence, the office of the Accountant General is not responsible for the delay in sanction.

Mr. Raj Kishore Rai, learned GP 18 appearing for the Respondent State submits that since certain defects were found in the service book of the petitioner, hence, sanction of the pension to the petitioner was delayed.

Considering the settled principles of law that pension is not a bounty to be distributed by the government to its employees on his retirement but, it is their valuable right and property, hence any delay in making payment of the same entitles the Civil Servant of getting statutory interests on the amount.

In the circumstances, this Court is inclined to and so directs Respondent No. 2, the Principal Secretary, Revenue Department, Government of Bihar, to ascertain responsibility of the person concerned who have caused the latches and have caused delay in payment of pension and to pay interest on the delayed payment of pension amount from when it fell due till the date of actual payment at the rate of 5% per annum to the petitioner. Needless to say that the interest amount may be recovered from the person found to be responsible for delayed payment of pension. The aforesaid exercise is expected to be completed within a period of three months of the receipt/production of a copy of this order.

Accordingly, this writ application is disposed of with aforementioned observation/direction.

(Dinesh Kumar Singh, J)

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