

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 17661 of 2017

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Janardan Bhakt, Son of Late Gonour Mahto, retired Panchayat Sevak, Belsand Block, Sitamarhi, resident of Village Gisara, P.O.- Gisara, P.S. Parsauni, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna.
2. The Collector/District Magistrate, Sitamarhi, At & P.O. & P.S.- Dumra, District- Sitamarhi.
3. The Sub Divisional Officer, Belsand Sub Division, At & P.O. & P.S.- Belsand, District- Sitamarhi.
4. The Block Development Officer, Belsand At & P.O. & P.S.- Belsand, District- Sitamarhi.
5. The Treasury Officer, Sitamarhi, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 15-01-2018

Heard learned counsel for the petitioner and the State.

2. In view of the statements made and materials brought on record in the counter affidavit filed on behalf of respondent no. 5, the admitted retiral dues of the petitioner appears to have been paid to him.

3. Learned counsel for the petitioner submitted that he superannuated in the year 2012 and the payments having been made in late 2017, he is entitled to interest on such delayed payment. For such proposition, he referred to the orders of the Hon'ble Supreme



Court in the case of **Alok Shanker Pandey vs. Union of India & Ors.** reported as **(2007) SCCR 294** and also in the case of **D. D. Tewari vs. Uttar Haryana Bijli Vitran Nigam Limited & Ors.** reported as **(2014) 8 SCC 894**. He submitted that there is a categorical averment in the writ petition that neither any charge nor departmental proceeding was pending against the petitioner and the same has also not been initiated after his retirement as no such memo or communication has been made to him.

4. From the pleadings, as there is no rebuttal of the same in the counter affidavit, the Court in view of the aforesaid judgments of the Hon'ble Supreme Court, holds the petitioner entitled to simple interest @ 6% per annum, to be calculated from the date on which the payment became due till the date of actual payment. The same be calculated and paid to the petitioner within two months from the date of production of a copy of this order before the respondent no. 4.

5. The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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