

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9234 of 2017

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Shri Krishna Mohan Singh, Son of Late Jugal Kishore Singh, aged about 70 years,
Resident of- C/2, Patrakar Nagar, Kankerbagh, P.O.- Patrakar Nagar, P.S.- Patrakar
Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary of Bihar, Old Secretariat, Patna, Bihar.
2. The Secretary, Irrigation Department, Government of Bihar, Patna.
3. The Engineer- in- Chief, Irrigation Department, Government of Bihar, Patna.
4. The Accountant General, Bihar, Patna.
5. The Treasury Officer, Treasury Office, Sichai Bhawan, Patna.
6. The District Magistrate, Samaharnalay, Muzaffarpur.
7. The District Provident Fund Officer, Muzaffarpur.
8. The Accounts Officer, District Provident Fund Officer, Muzaffarpur.
9. The Executive Engineer, Irrigation Department, Planning and Design, Division No. 1, Ratwara, Muzaffarpur.

.... 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: 29-01-2018

Heard learned counsel for the petitioner; State and
Accountant General.

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

*“A. To pay arrears of Gratuity, Pension
and other retirement benefits in favor of the
petitioner for which the petitioner is entitled.*

*B. The petitioner further prayed for
payment of arrears with interest of 12.5% per
annum in favor of the petitioner for which the
petitioner is entitled.*

*C. The petitioner further prayed for
issuing a necessary direction to the concerned
person/department for payment of Arrears of*



Gratuity, Pension and other retirement benefits of the petitioner.

D. It is further prayed for issuance of a direction/directions for any other relief/reliefs for which the petitioner is entitled under law as well as under facts.”

3. During the pendency of the writ petition, the grievance of the petitioner has been redressed and he has been paid his remaining dues.

4. Learned counsel for the petitioner submitted that since his superannuation on 13.01.2000, when his retrial dues were not being paid, he had moved the Court in C.W.J.C. No. 11974 of 2001 on 23.11.2001. Pursuant to the same certain order was passed in his favour but payment was not made to him, hence he had to move the Court in the present writ petition. He, therefore, prayed for interest on the delayed payment.

5. Learned counsel for the State submitted that there are lapses on the part of the petitioner as he has moved the Court only in the year 2001 initially and thereafter in the year 2017 and only when objection was taken that he had not completed the formalities, he had gone to the authorities on 24th January, 2018 and accordingly payments are likely to be released within a week, as there were holidays intervening.

6. Having considered the facts and circumstances and the position that the petitioner chose not to appear before the



Court for almost 13 years without there being justifiable reasons and further that on his part the formalities were not being completed and only upon the observation made by the Court earlier, he had appeared before the authorities concerned and completed the formalities only a few days back, the Court finds that there has been delay and laches on his part also.

7. However, in view of the fact that the petitioner is advanced in age and it has taken 17 years for the authorities to finally clear the dues and any formalities which were required to be completed was also the duty of the authorities concerned, in the overall interest of justice and equity, the Court deems it appropriate to award cost of Rs. 30,000/- to him in lieu of interest. The same shall be paid by the authorities within one month from the date of production of a copy of this order before the respondent no. 2. Actual payment of the other dues, if still unpaid, be also paid within the same period.

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

(Ahsanuddin Amanullah, J.)

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