IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12697 of 2017

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Kameshwar Prasad Singh, son of late Suraj Singh, resident of Maurya Bhawan, Gandhi Nagar Near I.T. Office, Police Station- Town, District- Rohtas.

... ... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Department of Health, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Excise, Prohibition and Registration Department, Government of Bihar, Patna.
4. The Principal Secretary, Finance Department, Government of Bihar, Patna.
5. The District Magistrate-cum- District Registrar, Samastipur, Bihar.
6. The District Sub-Registrar, Samastipur, Bihar.
7. The Treasury Officer, New Secretariat Building , Bailey Road, Patna.
8. The Treasury Officer, Samastipur, Bihar.
9. The Accountant General, Bihar, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar, Advocate
For the Accountant General	:	Mr.Binod Kumar Labh, Advocate Standing counsel, IA & AD

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 17-05-2019 Heard learned counsel for the petitioner and learned counsel for the Accountant General, Bihar.

The application of the petitioner for voluntary retirement due to prolong ailment was allowed w.e.f. 31.07.2016 by the order contained in Annexure-1 to the writ application.

It is the case of the petitioner that in spite of no dues certificate having been granted by the department, petitioner having retired on 31.07.2016 and his pension papers having been forwarded on 12.08.2016, he was paid the amount under the head of leave encashment after much delay only on 04.07.2017 and the amount under the head of gratuity even later on 04.10.2017. In view of the payment of the amount under the head of gratuity on 04.10.2017, the petitioner submits that only remaining prayer in the writ application is for payment of interest on the delayed payment.

As per the counter affidavit filed on behalf of respondent nos. 2 to 6, it transpires that after the petitioner's case for voluntarily retirement was allowed w.e.f. 31.07.2016, the pension papers were sent to the office of Accountant General on 04.10.2016 for the purpose of settlement of retiral dues as well as for grant of pension. The petitioner was granted authorization from the office of the Accountant General for provisional pension on 25.10.2016 and thereafter, final pension on 23.03.2017. Further authorization for gratuity was granted on 26.05.2017 and after following the necessary procedures, the amount under the head of gratuity was paid to the petitioner.

Having heard learned counsel for the parties and having gone through the record of the writ application, it transpires that so far as first prayer is concerned with respect to payment of gratuity, admittedly, the same has already been paid to the petitioner on 04.10.2017. So far as payment of interest on the same is concerned, from the facts and submissions this Court is not convinced that the petitioner has made out any case for grant of penal interest for delayed payment on his post retiral benefits. As such, it is held that the petitioner is not entitled for penal interest on payment of amount under the head of gratuity.

The writ application stands dismissed with the aforesaid observations.

(Partha Sarthy, J)

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