

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2327 of 2016

Arising out of

Civil Writ Jurisdiction Case No.16199 of 2008

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- Sandeep Kumar Mukherjee (deceased vide order dated 03.07.2019)
- 1.1. Chirodeep Mukherjee, Son of late Sandeep Kumar Mukherjee, At Present residing , C/o Subhas Mukherjee, 402, Annapurna Complex Naya Tola, Patna- 800004, P.S. Kadam Kuan,
- 1.2. Bishwodeep Mukherjee, Son of late Sandeep Kumar Mukherjee, At Present residing , C/o Subhas Mukherjee, 402, Annapurna Complex Naya Tola, Patna- 800004, P.S. Kadam Kuan,

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Ajay Kumar Choudhary the Secretary, Department of Primary, Secondary and Adult Education, Government of Bihar, New Secretariat, Patna.
3. Sri Ajay Kumar Choudhary, the Director, Primary Secondary and Adult Education, Government of Bihar, Vikash Bhawan, Patna.
4. Sri Abdul Bashir the Regional Deputy Director of Education, Darbhanga, Laheriasarai, District- Darbhanga.
5. Sri Dinesh Safi, the District Superintendent of Education, Darbhanga, Kila Ghat, Darbhanga- 864004.
6. Sri Tarakant Mishra the Area Education Officer, Darbhanga, Kila Ghat, Darbhanga- 846004.
7. Sri Shishir Kumar Mukherjee, the Secretary, Pitambari Bengali Middle School, Lalbagh, Darbhanga- 846004.
8. Smt. Kajol Chatterjee, the In- Charge Head Master, Pitambari Bengali Middle School, Lalbagh, Darbhanga- 846004.
9. Sri Chandra Shekhar Singh the Collector-cum- District Magistrate, Darbhanga.
10. Smt. Sheema Bharti the Treasury Officer, Secretariat Treasury, Sinchai Bhawan, Patna.
11. Sri P.K. Singh the Accountant General, Bihar, Patna.
12. Sri Umesh Choudhary, the Senior Accounts Officer (Pension) Office of the A.G., Bihar, Patna.
13. The DEO, Darbhanga (District Education Officer, Darbhanga).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**



ORAL JUDGMENT

Date : 28-08-2019

Heard learned counsel for the petitioners; learned AC to SC 10 for the State and learned counsel for the Accountant General.

2. The petitioners have moved the Court alleging willful and deliberate disobedience of the order dated 29.02.2016 passed in CWJC No. 16199 of 2008.

3. The writ petition was disposed off in the following terms:

“Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the writ petition stands disposed off with a direction to the respondent no. 3 to ensure that all retiral benefits of the petitioner are actually paid to him within six weeks from today.

The assurance having come from the respondent no. 3, who is present in Court, any violation may lead to serious repercussions”.

4. The position today is that all admitted retiral dues of the petitioners have been paid. However, the arrears of salary/pension amounting to Rs. 20,65,714/- has been paid in January, 2018 whereas DCR Gratuity amount has also been paid in January, 2018 of an amount of Rs. 1,21,497/-.



5. Learned counsel for the petitioners submitted that the petitioners have got the benefit accruable to his late father after more than twelve years.

6. Having considered the issue, in view of the order of the Court dated 29.02.2016 passed in CWJC No. 16199 of 2008, where the Court had specifically directed the authorities to ensure that all retiral benefits of the petitioners were actually paid to him within six weeks from that day and had also observed that any violation may lead to serious repercussions, the order having been complied after one year nine months, the Court deems it appropriate to direct for payment of interest for the period of delay. As the Court had granted six weeks time to the authorities to clear the dues i.e., till 15th of April, 2016, the payments made to the petitioners after that shall carry interest at the rate of 6% simple interest per annum. The period would be from 16.04.2016 till 15.01.2018, with regard to arrears of pension and the same rate of interest on DCR Gratuity from 16.04.2016 till 24.01.2018. The same shall be paid within four weeks from the date of production of a copy of this order before the District Education Officer, Darbhanga.

7. For the purpose of convenience, the District Education Officer, Darbhanga is impleaded as opposite party no.



13 in the present application. Let necessary correction be made in the cause title by learned counsel for the petitioners during the course of the day. Learned counsel for the State accepts notice on behalf of the newly added opposite party no. 13.

8. At the request of learned counsel for the State, the authorities are given liberty to determine on facts the exact date on which payment of arrears of pension and DCR Gratuity has been made to the petitioners with the clarification that the interest would start accruing from 16th of April, 2016 till the day on which actual payment was credited in the account of the petitioner(s).

(Ahsanuddin Amanullah, J.)

P. Kumar

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