

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.565 of 2018

In

Civil Writ Jurisdiction Case No.11491 of 2017

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Dhananjay Kumar, S/o Late Ram Anutha Thakur, Resident of Mohalla K-615
Sector K Kankarbagh, P.S. Patrakarnagar, P.O. Lohiya Nagar, District- Patna.

... .. Appellant/s

Versus

1. The Bihar State Housing Board through the Managing Director, having his office at 6 Mangles Road, P.S. Shachivalaya, District- Patna.
2. The Secretary Bihar State Housing Board having his office at 6 Mangles Road, P.S. Shachivalaya, District- Patna.
3. The Executive Engineer Muzaffarpur Division Bihar State Housing Board having his office at Muzaffarpur, District Muzaffarpur.
4. The Regional Commissioner Employees Provident Fund having his Office at R-Block Chauraha, P.S. Sachivalaya, District - Patna.
5. The Divisional Manager, Life Insurance Corporation of India Fraser Road, P.S. Kotwali, District- Patna.
6. The Managing Director Jharkhand State Housing Board, Ranchi, Division, Ranchi.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Vikas Mohan, Adv.
For the Respondent/s	:	Mr.Ram Prawesh Sharma, Adv.
		Mr. Dwivedy Surendra, Adv.
		Dr. Ratan Kumar, Adv.
		Mr. R. K. Priydarshi, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-11-2019

The petitioner has prayed for the following relief :-

“It is, therefore, prayed that your lordship may graciously be pleased to admit this appeal issue notice to the respondents and after return of the rule and after hearing the parties be further pleased to set aside to the order dated



26.03.2018 passed in C.W.J.C. No. 11497/2017 by Hon'ble Mr. Justice Ahsanuddin Amanullah with regard to rejecting the claim of the appellant for grant of interest on his post retiral amount and further direct the respondents to pay the interest to the appellant on his post retiral amount i.e. pension, gratuity, contributory provident fund and group insurance amount with interest @ 18% per annum from due date till the actual payment is made for delayed payment of 5 ½ years and/or pass such other order or orders as your lordships may deem fit and proper in the ends of justice.”

To us it appears that the reasoning adopted by the learned single Judge in paragraph no.5 of the impugned judgment in order, rejecting the petitioner's prayer for interest is unjustified, moreso, for the reason that petitioner has been pursuing his remedy regularly and in fact only when in the year 2017, the petitioner filed petition seeking release of his statutory dues, the same were released in the year 2018. The petitioner cannot be held at fault for withholding of such statutory dues. It ought to have been released promptly, as the employer is duty bound in accordance with law. The petitioner retired on 31st August, 2012, he made repeated representations but without any response. Only for the reason that at some point of time, the petitioner was posted in the State of Jharkhand, that itself cannot be a ground for not disbursing of statutory emoluments.



As such, petitioner's writ prayer no.1 is to be allowed. Accordingly, the observation made in the impugned judgment dated 26.03.2018, passed in CWJC No. 11491 of 2017 is set aside.

The appeal stands allowed with a direction to the Respondent No. 1, Managing Director, Bihar State Housing Board, Bihar, Patna to pay statutory interest so provided under law, and whenever not provided @ 9 % per annum from the date, the petitioner has completed all the formalities till the disbursement of the principal amount.

The appeal stands allowed with the direction aforesaid.

Needful be positively done within a period of four weeks from the date of receipt/production of a copy of this order.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

Ashwini/DKS

AFR/NAFR	NAFR
CAV DATE	NIL
Uploading Date	23.11.2019
Transmission Date	NIL

