

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3623 of 2017

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Ram Autar Ram, Son of Late Jodhan Ram, Resident of village - Ratanmala,
Post Office Ratanmala, Police Station Majholiya, District - West Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Building Construction Department, Govt. of Bihar, Patna
2. The Deputy Secretary, Building Construction Department, Bihar, Patna
3. The Superintending Engineer, Building Construction Department, Darbhanga
4. The Executive Engineer, Building Construction Department, Madhubani
5. The Treasury Officer, Bettiah, West Champaran
6. The Treasury Officer, Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhas Ranjan
For the Respondent/s : Mr. M.K.Ambastha-SC 26

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 24-04-2019 Heard learned counsel for the petitioner and the respondents.

The petitioner, who retired on 30.6.2011 from the post of Chaukidar, Building Construction Department, Madhubani, has filed the instant application for a direction to the respondents for payment of entire retiral benefits including gratuity and earned leave of 300 days along with interest thereon.

A counter affidavit has been filed on behalf of the Executive Engineer, Building Construction Department,



Madhubani, stating therein that the petitioner has already received the amount of group insurance, G.P.F. and he is also getting his pension regularly.

The Accountant General after processing the pension paper issued three authorities namely, for pension, commutation of pension and another for balance of 10% of the gratuity amount assuming that 90% provisional gratuity has already been paid.

It, subsequently, transpired that the petitioner had not received the 90% gratuity and, as such, two fresh orders were issued for provisional 90% gratuity and leave encashment and both the bills were sent to the Treasury. Finally, the amounts under the two heads have been received by the petitioner on 10.8.2017. The respondents have enclosed with their counter affidavit, the photocopies of two demand drafts by way of annexure and also a photocopy of the receipt showing that the amount have been received by the petitioner.

At this stage, it is submitted on behalf of the petitioner that though from perusal of the enclosures annexed with the counter affidavit, it appears that the balance amount have been received for which the petitioner has given a receipt, however, so far as the counter affidavit filed is concerned, the same is



silent on the interest for the delayed payment. As such, the liberty is sought by the petitioner to file a representation before the respondent authorities.

This writ application is disposed of giving liberty to the petitioner, to file a representation before the Executive Engineer, Building Construction Department, Madhubani, with respect to interest in accordance with law on the delayed payment of gratuity and earned leave for 300 days. In case, such a representation is filed within a period of four weeks, the respondent No. 4 shall dispose of the same within a period of three months from the date of receipt/production of a copy of this order. If any amount is payable, the same should be paid within same period and if the respondent No. 4 is of the opinion that interest is not payable to the petitioner, a written order giving reason should be communicated to the petitioner within the same period.

This writ application stands disposed of with the directions and observations.

(Partha Sarthy, J)

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