

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2584 of 2020

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Ambarish Kumar Singh Son of Late Sachhidanand Singh Resident of Village-
Dumri Khurd, P.S.- Majorganj, District- Sitamarhi, at present residing at
Sahajanand Colony Bhagwanpur, P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Home (Police), Bihar, Patna.
2. The Deputy Secretary, Department of Home (Police), Bihar, Patna.
3. The Secretary, Department of Finance, Bihar, Patna.
4. The Director General of Police, Vigilance Investigation Bureau, Bihar, Patna.
5. The Inspector General of Police, Vigilance Investigation Bureau, Bihar, Patna.
6. The Deputy Inspector General of Police, Vigilance Investigation Bureau, Bihar, Patna.
7. The Superintendent of Police, Vigilance Investigation Bureau, Bihar, Patna.
8. The Accountant, Accounts Section, Vigilance Investigation Bureau, Bihar, Patna.
9. The Treasury Officer, Secretariat Treasury Office, Sinchai Bhawan, Patna.
10. The Accountant & Auditor General, Bihar, Veerchand Patel Path, Patna.
11. The Senior Accounts Officer (Pension-2), Office of the Accountant General, Veerchand Patel Path, Patna.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Sunil Kumar, Advocate
For the Respondent-State:		Mr. Md.Nadim Seraj, GP-5
For the Vigilance	:	Mr. Arvind Kumar, Advocate
For the Accountant General:		Mr. Mani Kant Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGEMENT

Date: 24-09-2020

Heard learned counsel for the petitioner, learned
counsel for the State, learned counsel for the Vigilance and



learned counsel for the Accountant General via video conferencing.

2. By way of the instant writ petition, the petitioner has prayed for directing the respondents to make payment of full pension, arrears of pension and gratuity together with interest.

3. The case of the petitioner is that he retired from service on 28.02.2017, but payment of full pension, arrears of pension and gratuity has not been made inspite of pension payment order. The further case of the petitioner is that at the time of retirement, neither any department proceeding nor any criminal case was pending against him.

4. Learned counsel for the State has submitted that the delay in making payment of pension was due to non-furnishing of no dues certificate by the petitioner. He contended that after no dues certificate was provided, all the grievances of the petitioner have been redressed. Arrears of pension and gratuity have been paid and he is getting full pension.

5. Learned counsel for the Vigilance submitted that since the petitioner was posted in the vigilance department as Deputy Superintendent of Police, a departmental proceeding was initiated against him for the irregularities committed by him



in investigation of a particular case.

6. In reply, learned counsel for the petitioner submitted that though the payments have been made after filing of the writ petition, the interest on the delayed payment has not been paid to the petitioner. He contended that there was no lapses on the part of the petitioner and the delay was caused as the respondents were sitting tight over the matter.

7. Be that as it may, since the due amount of the petitioner has been paid, the writ petition is disposed of with liberty to the petitioner that if so advised, he may file a suit before the court of competent jurisdiction as far as the claim of interest for delayed payment is concerned.

8. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The judgment, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Sr. Secretary.
- (ii) The corrected copy of the judgment shall be



transmitted by me from my email id to the Sr. Secretary, which shall be treated to be an authentic copy of the judgment passed by this Court in the present proceeding.

- (iii) Hard copy of the judgment duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let a copy of the judgment be sent to Mr. Sunil Kumar, learned counsel for the petitioner also on his email.
- (v) Let steps be taken by the Sr. Secretary/registry for up-loading of the present judgment without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.09.2020
Transmission Date	NA

