

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14924 of 2018

Vijay Shankar Prasad Shahi son of Late Ram Balak Prasad Shahi, resident of Mohalla- Maripur near Prabhat Tara School, Chakkar Maidan, Naya Tola, Police Station- Quaji Muhammadpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Road Construction Department, Bihar, Patna
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Road Construction Department, Government of Bihar, Patna.
4. The Additional Secretary, Road Construction Department, Government of Bihar, Patna.
5. The Deputy Secretary, Road Construction Department, Government of Bihar, Patna.
6. The Under Secretary, Road Construction Department, Government of Bihar, Patna.
7. The Executive Engineer, Road Construction Department, Road Construction, Khagaria.
8. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kumar Singh
For the Respondent/s : Mr.Narendra Kumar Singh, A.C. to G.P.22

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 23-06-2020 Heard Mr. Kaushal Kumar Singh, learned counsel for the petitioner, Mr. Narendra Kumar Singh, learned A.C. to G.P.22 and Mr. Kumar Priya Ranjan, learned counsel for the Accountant General through Video Conferencing.

The petitioner in this writ petition sought direction for payment of pension, gratuity, leave encashment and other pensionary benefits.

The counter-affidavit has been filed on behalf of the State and the Accountant General stating therein that all the



retiral dues of the petitioner have already been paid to the petitioner.

Learned counsel for the petitioner submits that payment of pensionary benefits was delayed on account of query made by the Department about solemnisation of second marriage of the petitioner. Such query, if at all is made, that is meant for the purpose of grant of family pension but on this excuse the retiral benefits of the petitioner were not paid to the petitioner for more than 14 months and thus, the petitioner is entitled to get statutory interest on the delayed payment of retiral benefits but I find that the petitioner did not take prior permission which is required under the Bihar Government Servant's Conduct Rules for solemnising second marriage and on account of such query, some delay is caused in payment of retiral benefits of the petitioner. Thus, I find that petitioner is not entitled to get any statutory interest for such delayed payment of retiral benefits for about 14 months.

Considering the facts aforesaid, this writ petition is disposed of as all the retiral benefits have already been paid to the petitioner.

(Prabhat Kumar Jha, J)

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