IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.195 of 2019

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Ramesh Kumar Singh Son of late Janardhan Prasad Singh, Resident of Village and Post- Mangwar, Police Station- Basnahi, District- Saharsa, presently residing at Gautam Nagar, Ward No 11, Income Tax Road, Saharsa.

... ... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Under Secretary, Water Resources Department, Government of Bihar, Patna.
4. The Chief Engineer, Flood Control and Drainage, Water Resources Department, Birpur, District- Supaul.
5. The Chief Engineer, Irrigation Creation, Water Resources Department, Saharsa.
6. The Superintending Engineer, Eastern Koshi Embankment Circle, Saharsa.
7. The Executive Engineer, Irrigation Division, Saharsa.
8. The Treasury Officer, Saharsa.
9. The Accountant General, Bihar, Patna.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Satish Chandra Jha-3
For the Respondent/s : Mr. Harish Kumar -GP 8

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

2 17-06-2020 Heard learned counsel for the petitioner and learned counsel for the State through the virtual court proceeding.

2. In this case, learned counsel for the petitioner has informed this Court, during the pendency of this application, the arrears of pension i.e. Rs.9,40,478/- has been paid to the petitioner, but that does not include the interest for the period of delay. He has also submitted that while making payment, they have deducted Rs.22,512/- from pensionary benefit of the petitioner.

3. Learned counsel for the petitioner submits that the petitioner has handed over the charge which is apparently clear from handing over and taking over charge dated 30.01.2015 and even then, they have illegally deducted Rs.22,512/- from the pensionary benefit of the petitioner.

4. Learned counsel for the State has submitted that even after the superannuation, the petitioner remained in the quarter and on that account, as per Rule, he has been charged at the rate of Rs.840/- per month and it total comes to Rs.22,512/- which has been deducted from his pensionary benefit.

5. Learned counsel for the Accountant General, Mr. Vivekanand Kumar has stated that in paragraph 10 of the counter affidavit filed on behalf of Accountant General reflects that the payment has been made on 22.04.2019.

6. Admittedly, the petitioner has not received the pension for about five years. Hence the petitioner is entitled to the interest of the pensionary benefit at the rate of 5% simple interest. With regard to deduction of Rs.22,512/-, as the respondents have charged penal rent to the petitioner, for that, the petitioner may file an application before the Chief Engineer, Koshi Division, Irrigation Creation, Water Resources Department, Saharsa who will examine the case of the petitioner and see whether the petitioner can be charged a normal rent or he can be charged a penal rent, it has been left to the wisdom of the Chief Engineer, who will examine the matter and take decision in accordance with law.

7. With the above observation and direction, this writ petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

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