IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9768 of 2017

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Anil Kumar Gupta, son of Late Awadh Bihari Lal, Retired as Clerk, Resident of 8-L/174, Bahadurpur Housing Colony, Police Station-Agamkuan, District-Patna.

... ... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Department of Finance Govt. of Bihar, New Secretariat, Patna.
3. The Joint Secretary, Department of Finance, Govt. of Bihar, New Secretariat, Patna.
4. District Magistrate, Patna.
5. Addl. Collector, Patna District Patna.
6. Treasury Officer, Treasury Office, Secretariat, Sinchai Bhawan, Patna.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Vikram Singh, Advocate
For the Respondent/s : Mr. Rakesh Prabhat, AC to SC- 21

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT
Date : 09-01-2020

Heard learned counsel for the petitioner and learned AC to SC 21 for the State.

2. The issue which now remains in the present application is the payment of interest for the delay in making payment of admitted retiral dues of the petitioner. As far as the issue of entitlement of pension is concerned, as has been submitted by learned counsel for the petitioner, the same is under consideration before the Hon'ble Supreme Court.

3. In such view of the matter, the issue of entitlement

of pension to the petitioner shall be governed by the final decision of the Hon'ble Supreme Court.

4. Coming to the issue of interest for the delayed payment, the service of the petitioner was regularized in the year 2010 though with effect from 2006. However, he superannuated in the year 2011, and in terms of the then existing rules, his entitlement was fixed and payments were made. Thereafter, in the year 2015, the State came up with another circular in which some further dues were payable to the petitioner and that has been given finally in the year 2019. Thus, the Court finds that there has been delay in making of payment of even the admitted retiral dues of the petitioner. As the exact due date and date of payment has not been specifically brought on record, the Court deems it appropriate to dispose off the present writ application in the following terms:

5. The petitioner shall make a detailed representation before the respondent no. 4 giving details of payments which has been credited into his account under each head. Let the same be done within six weeks from today. Upon doing so, the respondent no. 4 shall get the matter verified from the records. Whatever payments have been made from the date of superannuation of the petitioner till the actual credit of the

amount into his account, the same shall carry simple interest @ 6% per annum from the date the amount was due till the date it was actually credited in the account of the petitioner. It is clarified that with regard to gratuity, the period would be counted from the date when the petitioner became entitled to that till the date of final payment to him.

6. The respondent no.4 shall thereafter pass a reasoned order calculating the amount of interest payable under each head for the periods after which payments have been credited in the account of the petitioner, within a period of four weeks from the date of filing of the representation. The amount which is found due and payable to the petitioner shall also be credited into his account within three weeks thereafter.

7. The writ application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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