

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 10660 of 2018

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Jay Narayan Prasad Malakar S/o Late Bhagwan Malakar, resident of Mohalla-Dalhatta, P.S.- Kotwali, Distt.- Munger.

... .. Petitioner/s

Versus

1. The South Bihar Power Distribution Company Limited through its Managing Director, South Bihar Electricity Board, Munger
2. The Joint Secretary, Electricity Department, Government of Bihar, Patna.
3. The General Manager cum Chief Engineer Biddhut Apurti.
4. The Electrical Superintendent Engineer, Biddhut Apurti Anchal, Munger.
5. The Executive Engineer, Biddhut Apurti Anchal, Munger.
6. The Assistant Electrical Engineer, Biddhut Apurti Awar Pramandal Tarapur, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Kumar Kamal Nayan, Advocate
For the Respondent/s : Mr Vinay Kirti Singh, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 01-06-2020

Heard learned counsel for the parties.

All admitted dues of the petitioner have been paid.

Petitioner's counsel, however, submits that he should be paid penal interest as the admitted retiral dues have been paid in the year, 2019 though he retired in the year, 2010.

The background, which caused delay in payment of retiral dues is petitioner's conviction in a criminal proceeding. It is only after petitioner's appeal against the conviction was allowed by judgment and order dated 26.02.2019 passed by Fast Track Court II, Munger in Criminal Appeal No 18 of 2014 that



the balance 10% pension has been released in favour of the petitioner. Prior to the appeal having been allowed, the petitioner had been granted 90% provisional pension.

The circumstance does not give rise to any penal interest as the provisional pension had been sanctioned on account of petitioner's conviction in a criminal proceeding and no case is made out for grant of penal interest.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

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