

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14510 of 2017

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Shiv Shankar Prasad Sinha Son of Late Ram Rijhan Prasad Sinha Resident of
Village - Mathurapur, Near Ankit Steel, Bazar Samiti Road, Police Station -
Warisnagar, District - Samastipur.

... .. Petitioner/s

Versus

1. The Central Bank Of India through its Chairman-cum-managing Director,
Central Office, Nariman Point, Chandramukhi, Mumbai.
2. General Manager, Central Bank of India, Central Office Central Bank of
India, Nariman Point, Chandramukhi, Mumbai.
3. The Zonal Manager, Central Bank of India, Muzaffarpur, Now Patna.
4. The Regional Manager, Central Bank of India, Darbhanga.
5. The Branch Manager, Central Bank of India, Dinmanpur, District -
Samastipur under Central Bank of India, Darbhanga Region.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.
For the Respondent/s : Mr. Ajay Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 28-05-2020 This case has been posted before me for hearing

through video- conferencing, under the orders of Hon'ble the

Chief Justice, in view of Nation passing through lockdown as an

aftermath of the outbreak of COVID-19 pandemic.

Heard Mr. Mrityunjay Kumar, learned counsel for the
petitioner and Mr. Ajay Kumar Sinha, learned counsel for the
respondent-Bank.

The petitioner, by way of filing this writ application,
has approached this Court for the following reliefs:-

(i) For issuance of a writ in the nature of mandamus or



any other appropriate writ, order or direction commanding upon the respondents for making payment of arrears claim as well as other post retiral benefits which are still left to be paid to the petitioner even after lapse of more than eight years, since the date of his retirement i.e. 31.07.2009 from the post of Branch Manager, Dinmanpur Branch, Central Bank of India, District-Darbhangha are being enumerated hereinbelow in following heads:-

(A) Dues and arrears of salary of suspension period from 01.04.2007 to 31.07.2009 (date of retirement) and also difference of arrear due to wage revision and after deducting difference of subsistence allowance, that has been paid the due comes around Rs. 5,55,613/-.

(B) L.T.C. bills submitted on 11.04.2017 of Rs. 9,810/- and 30 days leave encashment sum of Rs. 31484/- and as such the due in both heads comes around Rs. 41,254/-.

(C)T.A. bills for attending C.B.I. Court-I Patna for 106 days, nearly comes around Rs. 1,38,012/-.

(D) Pleaders fee and other recurring expenses @ rate of Rs. 1,600/- per day, approximately comes around Rs. 1,69,600/-.

Hence aforementioned total dues nearly stands Rs.



9,04,480/- to be paid to the petitioner. Apart from that interest on arrears of pension for the period 01.08.2009 to 28.02.2012 @ 10% for 30 months comes around Rs. 64,170/-. Further interest on P.F. amount Rs.6,87,190/- for the period 01.08.2009 to 22.01.2010 @ 10% comes around Rs. 28,633/-. Interest on leave encashment of Rs. 3,36,032/- @ 10% for the period 01.08.2009 to 05.01.2017 comes around Rs. 2,49,223/-. Interest on medical aid arrear of Rs. 2,925/- @ 10% for the period 01.08.2009 to 05.01.2017 comes around Rs. 2,169/- and interest on difference of subsistence allowance after wage revision for the period 01.08.2009 to 05.01.2017 comes around Rs. 45,056/- and hence aforementioned total interest portion stands approximately Rs. 3,89,251/- still to be paid to the petitioner.

Apart from that the petitioner has already been paid arrear of pension on 01.03.2012 for the period 01.08.2007 to 28.02.2012, P.F. of Rs. 6,87,190/- on 23.01.2010, commutation amount of Rs. 3,69,264/- on 04.03.2016, Leave Encashment of unavailed earn leave for 240 days of Rs. 3,36,032/- on 06.01.2017 difference of medical aid arrear due to wage revision of Rs. 2925/- on 06.01.2017 and difference of subsistence allowance after wage revision of Rs. 60,750/- but in all aforementioned heads petitioner has not received any amount as



interest on the same accrued to him due to delayed payment.

(ii) For issuance of writ in the nature of mandamus or any other appropriate writ commanding the respondents for making statutory penal interest on delayed payment of aforesaid arrear claim.

(iii) For issuance of any other writ order or direction which your Lordships may deem fit and proper in the facts and circumstances of the case.

At the outset, learned counsel for the petitioner submits that though the petitioner has earlier filed a representation for redressal of his grievances but no response has yet been taken. For expeditious disposal of his pending claim, the petitioner proposes to file a fresh representation before respondent no.3-The Zonal Manager, Central Bank of India, Muzaffapur with a copy forwarded to respondent nos.1 and 2.

In view of the fair stand taken by the petitioner, he is directed to file a representation before respondent no.3 stating in detail his unpaid claim within a period of two weeks along with a copy of this order as also the copy of the relevant documents, if any, in support of his claim. The same shall be considered by the respondent no. 3 as expeditiously as possible, preferably



within a period of two months from the date of filing of the representation, so that the grievance of the petitioner could be settled without delay and the admitted dues could be paid along with interest as permissible under the law. In the event, the admitted dues are not paid to the petitioner within the time frame as stated above, respondent no. 3 shall be personally liable to pay 10% interest on the admitted dues of the petitioner from the date of filing of the writ application till its actual payment.

With the aforesaid observation and direction, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

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