

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Civil Writ Jurisdiction Case No. 16205 of 2018**

Vijay Prasad Yadav son of Late Ramdeo Prasad resident of Raghunath Tola,
Road No. 2, North of Ram Janki Mandir, Anishabad, Patna.

... .. Petitioner

Versus

1. The State Of Bihar and Ors
2. Divisional Commissioner, Patna Division.
3. Secretary to Commissioner, Patna Division, Patna.
4. District Provident Fund Officer, Patna.
5. Director Provident Fund, Directorate , Pant Bhawan, Patna Bihar.
6. Prabhari Officer, Finance Personal Entitlement Cell Department, Patna.
7. Accountant General, Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Binoy Kumar,Advocate
For the Respondent/s : Mr.Sarvesh Kumar -GP24

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 08-06-2020 This application has been placed for

consideration by the order of the Hon'ble the Chief

Justice through virtual court proceeding.

Heard learned counsel for the petitioner and learned
counsel for the respondent State.

The petitioner in the present case is seeking the
following reliefs:

“(A) To pay the petitioner the amount of interest at the
market rate on delayed payment of the following
delayed payment of the following delayed payment of
post retiral dues, of the petitioner and also pay the



Cost of Litigation.

- (i) Delayed payment of the amount of GPF.
 - (ii) Delayed payment of the amount of pension, gratuity and leave salary.
 - (iii) Delayed payment of the amount of Group Insurance.
- (B) To pay the amount of dearness allowance from July 2017 to October 2017.”

After some argument, learned counsel for the petitioner has understood his difficulty in persuading this Court to issue any direction to the respondents to pay interest on the alleged delayed payment of the post retiral dues of the petitioner.

Learned counsel has though relied upon a judgment of the Hon’ble Apex Court in the case of **S.K. Dua versus State of Haryana** reported in **2008 (2) PLJR 128 (SC)**, he is unable to demonstrate any inordinate delay on the part of the respondent authorities in making payment of the post retiral dues of the petitioner.

In the judgment relied upon by the learned counsel for the petitioner the facts of the case were quite different. In the said case the Hon’ble Supreme Court had noticed that the retiral benefits were paid to the appellant of the said case after four years which is not the case herein.



This Court is therefore of the opinion that the extraordinary writ jurisdiction of this Court cannot be allowed to be invoked at the instance of the petitioner for payment of interest on the so-called delayed payment of the post retiral dues.

So far as his claim on account of dearness allowance from July 2017 to October 2017 and payment of Rs. 40,110/- in terms of the order vide dispatch no. 1268 dated 19.09.2018 issued under signature of the District Provident Fund Officer Patna are concerned, learned counsel for the petitioner submits that he would be satisfied if the respondent no. 3 is directed to look into his grievance, consider the same and pass appropriate order thereon within a reasonable period of time. Learned counsel for the State has no objection to that extent.

Having heard learned counsel for the petitioner and the State, this Court refuses to entertain the prayer of the petitioner with regard to payment of interest over the post retiral dues paid to the petitioner. Petitioner is, however, given liberty to make an appropriate representation before Secretary to the Commissioner, Patna, Division Patna (respondent no. 3) with regard to his claim on account of dearness allowance from July 2017 to October 2017 and the sum of Rs.40,110/- which he



claims that the same has not been paid to him till date. If such a representation is filed within a period of 60 days from today, the same will be considered by the competent authority and any admissible amount payable to the petitioner shall be paid to him within next 60 days.

In case nothing is payable to the petitioner the same shall be informed briefly indicating the reason therefor.

The writ application stands disposed of accordingly

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

