

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.556 of 2020

Ashok Kumar Singh S/o Late Nathuni Prasad Singh Resident of Village and Post- Bhainswa, P.s.- Masaurhi, District- Patna, retired from the post of Junior Engineer in Rural Works Department, Work Division, Jehanabad

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Bihar, Patna
2. The Accountant General (A and E) Bihar, Patna
3. The Additional Secretary State of Bihar, Patna
4. The Deputy Secretary Rural Works Department, State of Bihar, Patna
5. The Chief Engineer Rural Works Department, State of Bihar, Patna
6. The Executive Engineer Rural Works Department, State of Bihar, Patna
7. The Treasury Officer Jehanabad, District- Patna

... .. Respondent/s

Appearance :

For the Petitioner : Mr. Ashok Kumar
For the State : Mr. Kumar Alok, SC 7
For Accountant General : Mr. Kumar Priya Ranjan

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 13-07-2020

As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and Mr. Kumar Alok (SC 7), the learned counsel for the State as also Mr Kumar Priya Ranjan, learned Counsel appearing for the Accountant General.

As per submission of the learned Counsel for the petitioner all retiral dues have been paid to the petitioner. He,



however, submits that this Court should direct for payment of interest.

The petitioner retired on 30.8.2019 as Junior Engineer.

Learned Counsel for the State submits that because the petitioner did not earlier present himself before the Treasury Officer the dues were not paid. As soon as he presented himself for receiving the same, it was paid. He therefore submits that the petitioner is not in a position to claim any interest.

In view of this disputed issue of fact, this Court is not inclined to exercise jurisdiction under Article 226 of the Constitution of India for considering the prayer for interest.

The petitioner may avail other remedies for payment of interest in accordance with law. It is made clear that this court has not expressed any opinion on the petitioner's claim for interest, as the same is yet to be considered by the competent forum in accordance with law.

The order has been passed in presence of Counsel for the Accountant General.

The writ application stands disposed of.

(Madhuresh Prasad, J)

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