

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13838 of 2018

Bindeshwari Prasad Yadav Son of Late Anup Lal Yadav, Resident of Vidyapuri, Ward No.18, S.B.I. Road, Police Station- Madhepura, District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Water Resources Department, Government of Bihar, Patna.
4. The Chief Engineer, Sinchai Srijan, Water Resources Department, Saharsa.
5. The Superintending Engineer, Canal Circle, Saharsa.
6. The Executive Engineer, Irrigation Division, Saharsa.
7. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Advocate.
For Accountant General : Mr. Ram Kinker Choubey, Advocate.
For the State : Mr. Rewti Kant Raman, AC to SC-11.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

9 04-02-2021 Counter affidavit filed on behalf of respondent no.3 is not on the record.

Registry to place the same on the record.

Learned counsel for the respondent no.3 supplied a copy of the counter affidavit for assistance of the Court.

Heard the parties.

Petitioner has filed this writ application for direction



to the respondents to make payment of post retiral benefits as well as as other arrears.

The petitioner was appointed as Jr. Engineer in the Water Resources Department, Daltenganj in the year 1979 and superannuated on 30.06.2014 from the post of Assistant Engineer, Irrigation Division, Saharsa.

Learned counsel for the respondents submits that entire post retiral benefits have already been paid to the petitioner including the deposits in the General Provident Fund which is stated in the counter affidavit filed by respondent no.3 on 01.11.2018.

Now, the petitioner claims for interest on delayed payment of the retiral benefits.

Learned counsel for the respondents submits that there was delay in sanction of the pension for the reason that some confusion was there with the department that Rs.13 lacs and odd was paid to the petitioner and the same was not adjusted, whereas later on it revealed that the said amount was paid to the agency and the same was already adjusted. Moreover, provisional pension was already sanctioned in the year 2015 itself.

Considering the facts aforesaid, in my view, interest is



not payable on the delayed payment of pension.

Accordingly, this application stands disposed of.

(Birendra Kumar, J)

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