IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15294 of 2018

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Md. Abbas Alam, S/o Late Md. Naseer Ahmad, R/o Vill.- Ganj, Post Office-Simari Bakhtiarpur, P.S.- Bakhtiarpur, District- Saharsa.

... ... Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Home, Govt. of Bihar, Patna.
2. The Superintendent of Police, Saharsa.
3. The Accountant General, Bihar, Patna.
4. The Treasury Officer, Saharsa.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Syed Masleh-Uddin Ashraf, Adv.
For the State	:	Mr.P. N. Sharma, AC to AG
For the A.G.	:	Mr. Ram Kinker Choubey, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

8 04-03-2021 The present writ application has been filed seeking the following reliefs:-

"(i) For the issuance of an appropriate writ in quashing of PPO No.201511062664 dated 26.08.2015 issued from the office of the Accountant General Bihar, whereby the pension of the petitioner has been calculated on the basis of the service rendered by him as 12 years 01 months and 11 days @ Rs.3,500/- per month and its consequential letter dated 25.08.2015 issued from the office of Accountant General, Bihar to the Treasury Officer, Saharsa (Annexure-10&10/A).

(ii) For the issuance of an appropriate writ in quashing letter dated 26.08.2015 issued from the office of Accountant General Bihar to the Treasury Officer Saharsa in PPO No. 201511062664 whereby the Treasury Officer, Saharsa has been directed to pay the amount of Gratuity as Rs.19,764/- (Annexure-11).

(iii) For the issuance of an appropriate writ commanding the respondents to revise the pension, gratuity, leave encashment after calculating the total period of service rendered by the petitioner as 38 years 11 days and to pay the same with statutory interest.

(iv) For the issuance of an appropriate writ commanding the respondents to pay the GPF to the petitioner, who has superannuated on 31.03.2014 from the post of constable.

(v) For any other relief/reliefs as your Lordships may be deemed fit and proper in the facts and circumstances of the case."

A counter affidavit has been filed on behalf of the respondent no.2 today. Paragraph '9' and '10' of the counter affidavit reads as under:-

"9. That, to correct this apparent error of record, this Respondent has issued Saharsa District order No.173/2021 dated 09/02/91 and total length of Service of the petitioner has been calculated as 38 years 01 month 08 days (from 22/02/1976 to 31/03/2014). His amount of payable pension has been calculated at Rs.4,470. That, accordingly, his gratuity has also been re-estimated at Rs.3,14,820. He has already been paid Rs.1,14,480 so, the remaining amount of Rs.2,00,340 is payable to him on count of gratuity.

10. That, a copy of the said District order No.173/2021 has been sent to the learned Accountant General of Bihar, Patna for issuing a revised P.P.O. in the light of Annexure-A, above and once it is done, the Petitioner would be paid his due through Treasury, vide letter No.46/P.S. dated 09/02/2021. Copy of the said D.O. and letter No.46 dated 09/02/2021 has already been sent to the petitioner."

Mr. P.N. Sharma, learned AC to learned AG submits that in view of the statements made in the aforesaid paragraphs now the writ application may be disposed of.

Learned counsel for the petitioner however submits that once the writ application stands disposed of there is every possibility that issuance of P.P.O. and payment to the treasury may be delayed for the various reasons.

Mr. Ram Kinker Choubey, learned counsel representing the Accountant General has assured this Court that the revised P.P.O. shall be issued within two weeks from today and thereafter the treasury will pay the amount within another two weeks.

Mr. P.N. Sharma, learned AC to AG has assured this Court that once the revised P.P.O. is issued there will be no delay at the end of the treasury officer.

This writ application is being disposed of in view of the statements recorded hereinabove with a clear stipulation that if there will be any delay either in issuance of revised P.P.O. or payment by the treasury officer, Saharsa, the petitioner would be entitled for interest for the delayed period at the rate of 6% per annum which will be realized from the erring officials on whose end the delay is caused.

Learned counsel for the petitioner submits that because of the fault on the part of the respondents, the petitioner has been deprived of his lawful claim on account of retiral benefits for about seven years. He had retired from service on 31.03.2014. Learned counsel submits that some interest should be paid for the delayed period and amount be recovered from the pocket of the erring officials.

For the present, this Court is leaving it for the respondent authorities to look into the grievance of the petitioner and take an appropriate view of the matter within a period of three months from the date of receipt/production of a copy of this order.

In ultimate analysis if it is found that because of the laches on the part of the officials of the respondents the petitioner has been deprived of his lawful claim on account of retiral benefits, admissible rate of interest would be allowed for the delayed period and payment thereof shall be made within three months.

It goes without saying that any amount spent by the State on account of payment of interest or cost because of the laches on the part of the authorities dealing with the matter may be realized from the erring officials.

This 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'.