

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2872 of 2020

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Sanju Devi Wife of Nand Kishore Jha @ Nand Kishore Pathak, Resident of
Village-Ram Nagar, P.S.-Muffasil, District-Begusarai.

... .. Petitioner/s

Versus

1. State of Bihar through the Principal Secretary, Water Resources, Irrigation Department, Bihar, Patna.
2. The Finance Secretary, Finance Department, Govt. of Bihar, Patna.
3. The Commissioner, Water Resources, Irrigation Department, Bihar, Patna.
4. The District Magistrate, Begusarai.
5. The Deputy Development Commissioner, Begusarai.
6. The Public Information Officer cum Director Account Administration and Self Employment, District Rural Development Agency, Begusarai.
7. The Block Development Officer, Cheriya Bariyarpur, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Prasad, Advocate
For the Respondent/s : Mr.Vinay Kirti Singh (GA2)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-09-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

I For quashing of the order vide memo no 113 dated 15-02-19 passed by the Deputy Development Commissioner Begusarai whereby he has rejected claim of the petitioner for making interest amount against the admitted amount of Rs 2,93,328/ which has been given after lapse of about 25 years without any reason only on the ground that allotment was not received by from the department.

II For direction the respondents to make payment of 10 % interest amount per annum from the date it became due to the date of actual payment dated 31-10-17 against the admitted amount of Rs 2,93,328 (two lakh ninety three thousands three hundred twenty eight rupees) by way of compensation for delay payment for sinking boring in the respective selected land of the beneficiary farmers in the light of agreement /direction of B D O Cheriya Bariyarpur ,Begusarai in the year 1991-1992.

III For any order/direction in the facts and circumstances in the interest of justice and ends of justice.

In the response filed by the State, financial hardship is pleaded for non-payment of interest on the amount paid to the petitioner as dues payable to her late husband.

It is not in dispute that a sum of Rs.2,93,328/- was paid after a period of 25 years. It is also not in dispute that the said amount was paid only pursuant to the directions issued by this court in a petition being **C.W.J.C No. 7090/2017, titled as Lalan Kumar Mishra Versus the State of Bihar & Ors.** The order passed in said case is reproduced in entirety.

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

In this case, the petitioner has raised a grievance that he has sunk altogether 48 borings but, the payment of Rs. 2,51,424/- which is an admitted dues, has not been paid to the petitioner, whosoever has approached this Court for payment, they have been paid their dues and the petitioner has been deprived of the due amount on account of want of fund.

Learned counsel for the petitioner submits that there is no

dispute as with regard to the fact that that the petitioner has not carried out the work but, he has not been paid the due amount and he has placed reliance on some of the orders of this Court as the order dated 4.2.2017 passed in C.W.J.C. No. 494 of 2016 and the order dated 6.3.2017 passed in C.W.J.C. No. 12333 of 2016. In both the cases, the issue is identical.

In such circumstances, let the petitioner should represent before the Deputy Development Commissioner, Begusarai for payment of the said amount who will be obliged to see that the admitted due along with simple interest at the rate of 7% from the date of completion of work till the date of actual payment be paid without any delay preferably within a period of three months from the date of receipt/production of a copy of this order.

With the aforementioned observation and direction, this application is disposed of.”

The direction was to pay the admitted amount along with the interest @ 7% . It is also not in dispute that with respect to similarly situated petitioners, this court vide **LPA No. 1127/2010, titled as Ram Sagar Pathak Versus the State of Bihar & Ors. and other connected matters**, while upholding the judgments, referred to in the order reproduced Supra, had directed for payment of interest.

As such, we see no reason as to why the petitioner be not paid interest on the amount disbursed towards the claims due and admissible to her late husband.

It is also observed that petitioner had also approached

this court claiming interest by filing CWJC No.15032 of 2017, **titled as Sanju Devi Versus the State of Bihar & Ors.** and the said petition was disposed of vide order dated 26.11.2018. The said order is reproduced in entirety.

“After some argument, the learned counsel for the petitioner seeks to withdraw the present writ petition, in view of the fact that the admitted dues have already been paid to the petitioner herein, however, with liberty to approach the appropriate forum/Deputy Development Commissioner, Begusarai for grant of interest on the delayed payment.

Accordingly, the present writ petition is dismissed as withdrawn with the aforesaid liberty.”

We are informed that the amount was disbursed to the petitioner on 21.10.2017.

Hence, we direct that the petitioner be paid interest in terms of the directions issued in **Ram Sagar Pathak (Supra)**.

Needful be positively done within a period of four weeks from today, failing which, respondent no.3, namely, The Commissioner, Water Resources, Irrigation Department, Bihar, Patna shall be liable to pay cost to the petitioner amounting to Rs.25,000/- to be recovered from his salary.

Also, the amount payable as interest shall be recovered from the salary of all the officers responsible for non-disbursement of the amount within time.

However, if the amount of interest is paid within four weeks, the interest would be payable for a period 3 years prior to the date of passing of the order till preceding the date of payment of amount due. If the amount due is not paid within time, the interest payable to the petitioner shall be recovered from the personal salary of the persons responsible for the amount not being disbursed.

Learned counsel undertakes to communicate the order to respondent no. 3, The Commissioner, Water Resources, Irrigation Department, Bihar, Patna by all modes.

Petition stands disposed of in the aforesaid terms.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-Ishika

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.09.2022
Transmission Date	NA