

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7373 of 2021

=====

Chandra Shekhar Singh S/o Sri Yogendra Singh Resident of Village
Madhurapur (Naya Tola), P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Department of Water Resources, Government of Bihar, Patna.
3. The Engineer in Chief, Water Resources Department, Sinchai Bhawan, Patna.
4. The Chief Engineer, Flood Control and Water Drainage, Water Resources Department, Katihar (Camp Purnia).
5. The Superintending Engineer, Flood Circle, Water Resources Department, Katihar.
6. The Executive Engineer, Flood Contrik Division, Salmari, District- Katihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Atul Kumar Pandey
For the Respondent/s : Mr.Lalit Kishore (Ag)

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 10-02-2022

The matter is heard *via* video conferencing due to
circumstances prevailing on account of the COVID-19 pandemic.

2. In the instant petition, petitioner has prayed for the
following relief/reliefs:

“That, this is an application for issuance of writ in
the nature of mandamus directing the respondents to make the
payment of differences of the arrears of salary due revision of
his pay scale amounting to Rs. 1,46,285.00 (One Lac Forty
Six Thousand Two Hundred Eighty Five Only) and further for
payment of interest due to delay in payment of the aforesaid
amount and further for issuance or writ/writs/directions for
which the petitioner is entitled to in accordance with law.”



3. The grievance of the petitioner has been set right as is evident from Paragraphs 5 to 11 of the counter statement/affidavit. Then what remains is whether petitioner is entitled to interest on belated settlement of monetary benefits or not?

4. Learned counsel for the respondents vehemently contended that due to COVID – 19 pandemic, the petitioner's grievance has not been set right. It is to be noted that petitioner has attained age of superannuation and retired from service on 30.11.2013. The official respondent has ample time between 2013 to 2019. Therefore, the official respondent cannot take shelter under COVID – 19 pandemic so as to deny interest to the petitioner on arrears of amount which has been disbursed to him.

5. The petitioner is entitled to interest @ of 8 % *per annum* in the light of Apex Court decision in the case of ***Vijay L. Mehrotra Vs. State of Uttar Pradesh and Others*** reported in **2001 9 SCC 687**. The concerned respondent is hereby directed to calculate the interest and disbursed the same within a period of two months from the date of receipt of this order, failing which, the petitioner is entitled to litigation cost and it is quantified @ of Rs. 25,000/-. Cost shall be paid from the concerned officer and not from the State Government.



6. With the above observations, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

