

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2059 of 2021

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Mohan Singh, Son of Bindeshwari Prasad Singh, Resident of Anand Nagar
Ward No. 27 Bettiah, Police Station- Bettiah Town, District- West
Champaran. ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department,
Government of Bihar, Patna.
2. The District Magistrate, West Champaran, Bettiah.
3. The Executive Engineer, Rural Works Department, Works Division, Bettiah,
District- West Champaran.
4. The District Treasury Officer, West Champaran at Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Respondent/s : Mr. P. N. Shahi, AAG-6

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

Date : 23-03-2022

Heard learned counsel for the parties.

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

“That, this application is being filed for
issuance of a writ in the nature of certiorari or any other
appropriate writ or writs for quashing the order as
contained in memo no. 3424 dated 09.12.2019 passed
and issued by the respondent no.3 vide which the
petitioner’s grievance for payment of interest upon the
admitted dues of Rs.16275/- as vehicle driver allowance
has been rejected.

AND/OR

For passing such other order or orders for which
the petitioner will be found entitled in the eye of law.”

3. Short question for consideration in the present petition
is whether the petitioner is entitled to interest on belated settlement
of vehicle driver allowances or not?



4. The petitioner’s claim is to extend interest on the vehicle driver allowances from 1987 till 2009. For the first time, the petitioner has demanded the driver allowances in the year 2016. Demanded vehicle allowances has been settled in the year 2016 itself. In this backdrop whether the petitioner is entitled to interest on vehicle driver allowances paid in the year 2016 or not?

5. Undisputedly, the petitioner had a cause of action in the year 1987 till 2009. The petitioner for the first time approached the respondent in seeking vehicle driver allowances in the year 2016 for the period 1987 to 2009 and it was settled in the year 2016.

6. Having regard to the conduct of the petitioner and the fact that the petitioner has slept over his right during the intervening period from 1987 to 2009 and from 2016 to 2021, therefore, the petitioner is not entitled to interest, as claimed in the present petition.

7. Accordingly, the petition stands dismissed.

(P. B. Bajanthri, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

