

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1530 of 2018

In
Civil Writ Jurisdiction Case No.9234 of 2017

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1. The State Of Bihar through the Chief Secretary of Bihar Old Secretariat, Patna, Bihar.
 2. The Secretary, Irrigation Department, Govt. of Bihar, Patna.
 3. The Engineer in Chief, Irrigation Department, Govt. of Bihar, Patna.
 4. The Treasury Officer, Treasury Office, Sichai Bhawan, Patna.
 5. The District Magistrate, Muzaffarpur.
 6. The District Provident Fund Officer, Muzaffarpur.
 7. The Executive Engineer, Irrigation Department, Planning and Design Division No. 1, Ratwara, Muzaffarpur.
 8. The Account Officer, District Provident Fund Officer, Muzaffarpur

... .. Appellant/s

Versus

1. Sri Krishna Mohan Singh son of Late Jugal Kishore Singh R/o C/2 Patrakar Nagar, Kankarbagh, P.O. Patrakar Nagar, P.S. Patrakar Nagar, Town and District- Patna.
2. The Accountant General, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Akash Chaturvedi Ac To Sc 11
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

7 21-04-2022

Ref.:- I.A. No. 9649 of 2018

For the reasons assigned in the
interlocutory application, the delay caused in filing
the appeal against the judgment and order dated



29.1.2018 passed in CWJC No. 9234 of 2017 is condoned.

I.A. No. 9649 of 2018 stands allowed.

L.P.A. No. 1530 of 2018

The present appeal is directed against the judgment dated 29.1.2018 passed in CWJC No. 9234 of 2017 by a learned Single Judge of this Court, operative part whereof reads as under:-

"However, in view of the fact that the petitioner is advanced in age and it has taken 17years for the authorities to finally clear the dues and any formalities which were required to be completed was also the duty of the authorities concerned, in the overall interest of justice and equity, the Court deems it appropriate to award cost of Rs. 30,000/-to him in lieu of interest. The same shall be paid by the authorities within one month from the date of production of a copy of this order before the respondent no. 2. Actual payment of the other dues, if still unpaid, be also paid within the same period."

It is evident that the appellant superannuated



on 31.1.2000. Thereafter, he had to struggle for payment of his retiral dues for several years despite the fact that there is nothing on record to show that any inquiry or other proceedings were pending against him. Now, the law is clear on the issue that the retiral dues such as pension, gratuity etc. are the property of the employee. However, he was paid his retiral dues after 17 years of his retirement after knocking the doors of the Court.

Under the circumstances, we feel that the cost of Rs. 30,000/-, granted by the learned Single Judge, is on the lower side, hence the same is enhanced to Rs. 75,000/-, out of which a sum of Rs. 30,000/- shall be paid to the appellant within a period of one month from today and the rest amount of Rs. 45,000/- shall be deposited with the Patna High Court Legal Services Committee. However, liberty is granted to the Secretary, Irrigation Department, Government of Bihar, Patna, to recovery the said amount from the salary of the officials responsible for the delay.

The appeal stands disposed of on the



aforesaid terms.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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