IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7442 of 2021

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Savitri Sharma Wife of Late Dewaki Nandan Sharma, Resident of Mohalla-Rajtek Laxhampur, P.S.- Laheriasarai, District- Darbhanga

... ... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Finance Department, Old Secretariat, Patna
2. Principal Secretary, Education Department, New Secretariat, Patna
3. Incharge Officer, Finance (Personal Claim Determination Cell), department Aneny Block- 03 (Ground Floor), Old Secretariat, Bihar, Pin-800015
4. District Education Officer, Darbhanga
5. Treasury Officer, Darbhanga, District- Darbhanga
6. Accountant General Bihar, Veer Chand patel Path, Patna

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Pratap Sharma, Advocate
For the Respondent/s	:	Mr.Anuj Kumar, AC to GP 24
For the AG	:	Mr.Rm Kinkar Choubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

6 01-05-2023

Heard Mr. Pratap Sharma- learned counsel appearing on behalf of the petitioner, Mr. Anuj Kumar- learned AC to GP 24 and Mr. Ram Kinkar Choubey-learned counsel appearing on behalf of the Accountant General (AG).

2. Learned counsel appearing on behalf of the petitioner submits that almost all the retiral dues of the petitioner have been paid, however, no interest has been paid to the petitioner for the delayed payment.

3. The law on grant of interest on delayed payment of retiral benefit is no longer *res integra.* The Apex Court in the case of ***State of Kerala Vs. M. Padmanabhan Nair*** reported in

(1985) 1 SCC 429 and D.D. Tewari Vs. Uttam Haryana Bijli reported in ***(2014) 8SCC 894*** has laid down that when the employer delays the release of pensionary benefits, the petitioner must be paid interest on account of the delay. The law is well settled that the pension and other retirement benefit is not a bounty but are valuable rights of property.

4. Considering the law laid down by the Hon'ble Apex Court the petitioner is entitled for interest at the rate of 12.5 % on account of delay in making payment of retiral dues under different heads.

5. With the above observation/direction, the present writ petition is disposed of.

(Purnendu Singh, J)

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