

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3856 of 2023

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Rambali Das Son of Late Siri Das Resident of Village-Sarhan, P.O.-Sarhan,
P.S.-Pandarakh, District-Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary of Human Resources Development, Development Govt. of Bihar, Patna.
2. The Director, Secondary Education, Govt. of Bihar Patna.
3. The District Education Officer, Munger, District-Munger
4. The District Provident Fund Officer, Munger
5. The Head Master, Model High School, Munger, District-Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suman Kumar Mishra, Adv.
For the State : Mr. Madan Jeet Kumar (Gp 20)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 25-07-2023

Heard Mr. Suman Kumar Mishra, learned counsel appearing on behalf of the petitioner and Mr. Madan Jeet Kumar, learned counsel appearing on behalf of the State.

2. Learned counsel appearing on behalf of the petitioner informs that petitioner has retired in the year 2009 from the post of Headmaster from Model +2 High School, Munger. The petitioner is aggrieved by the letter dated 29.08.2022 (Annexure-4) to this writ petition, by which interest on delayed payment of pensionary benefit has been denied.

3. Having considered the submissions made on behalf of the petitioner as well as having perused the letter dated 29.08.2022



contained in Annexure-4, addressed to the petitioner, this Court finds that the order dated 29.08.2022 is non-speaking order. No reason has been assigned, as to why the petitioner is not entitled for interest of delayed payment of retiral dues.

4. The respondents have admitted that the retiral dues, as claimed by the petitioner, has been paid after six years from the date of his retirement.

5. The order dated 29.08.2022 being perverse and is not sustainable in the eye of law and is set aside and quashed.

6. The law on grant of interest on delayed payment of retiral benefit is no longer res integra. The Apex Court in case of *State of Kerala v. M. Padmanabhan Nair reported in (1985) 1 SCC 429* and *D.D. Tewari v. Uttar Haryana Bijli reported in (2014) 8 SCC 894* has laid down that when the employer delays the release of Pensionary benefits, it is bound to pay interest on account of the delay. The principle that the disbursement of pension and other retirement benefits should not be treated as a matter of bounty but are valuable rights and property and any delay in settlement or disbursement thereof must be compensated with the penalty of payment of interest at the current market rate till actual payment to the employee.

7. In aforesaid circumstances, applying the law laid down by the Apex Court the District Programme Officer



(Establishment), Munger is directed to calculate the interest approved on different heads, till the date of payment and sanction the same to be payable into the account of the petitioner.

8. With the above observation and direction the writ petition stands disposed of.

(Purnendu Singh, J)

pravinkumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	
Transmission Date	

