

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11536 of 2019

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Raj Kishore Prasad Sinha son of Late Narsingh Narayan Sinha resident of
Village- Dhandhwa, P.O. and P.S.- Bodhgaya, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Environment and Forest Department, Govt. of Bihar, Patna.
2. The Chief Conservator of Forest-cum- Managing Director, Bihar State Forest Development Corporation, 13 Patliputra Colony, Patna- 800013.
3. Additional Chief Conservator of Forest-cum- Managing Director, Jharkhand and State Forest Development Corporation, Hinoo, District- Ranchi Jharkhand- 834002.
4. The General Manager, Minor Forest Product Project Circle, Ranchi Road No. 1 297/C, Ashok Nagar, P.O. Ashoknagar, District- Ranchi, Jharkhand.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mukul Prasad, Adv.
For the Respondent/s	:	Mr. Harish Prasad Singh (Sc15)
For BSFDC	:	Mr. Shukla, Adv.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 22-06-2023 Heard Mr. Mukul Prasad, learned counsel appearing on behalf of the petitioner, Mr. Harish Prasad Singh, learned counsel appearing on behalf of the State and Mr. Shukla, learned counsel appearing on behalf of the Bihar State Forest Development Corporation, Patna, Bihar.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner was appointed as the Accounts Clerk by the respondent who was subsequently promoted to the post of Senior Accounts Clerk by the order dated 08.11.1988 and thereafter by the order dated 08.08.2006 has reverted to the post of Accounts Clerk. The petitioner



superannuated on 30.11.2007. Learned counsel informs this Court that all payments have been made to the petitioner, but after delay of nearly 10 years. The petitioner has retired on 30.11.2007, but retiral dues has not been paid to him on the ground of having drawn excess salary pursuant to superannuation to the tune of Rs. 6,72,148/- which order was later on withdrawn by the respondents. The petitioner is aggrieved that although the amount has been credited into the account of the petitioner, but no interest has been paid on account of delayed payment. The authorities acted only after passing of order dated 20.02.2018 in C.W.J.C. No. 11995 of 2010. It is admitted fact that petitioner has retired from the post of Accounts Clerk, which is a Class-III post.

3. Learned counsel further submitted that law is well settled specially in case of Class-III and IV employee that any amount which is required to be recovered from a retired employee, the same should have been recovered within a very short span of time. In the present case, admittedly, the recovery was made and finally it has been held to be illegal. The petitioner is entitled for payment of statutory interest on account of delayed payment. It is admitted fact that the petitioner had received the entire amount as late as in the year 2018.



4. This Court directs the concerned respondents to make payment of statutory interest @ 12.5%. In the interest of justice, this Court records that the interest amount must be calculated from 30.11.2007 till 22.06.2023. This court also award the litigation cost of Rs. 20,000/-to the petitioner.

5. Law is well settled in this regard the Apex Court in case of **State of Kerala v. M. Padmanabhan Nair reported in (1985) 1 SCC 429** and subsequently in **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 to property and any delay in settlement or disbursement thereof must be compensated with the penalty including payment of interest at the current market rate till actual payment are made to the retired employee. The petitioner must be paid entire amount of interest forthwith without any delay.

6. Mr. Shukla has submitted that he will forthwith inform the Managing Director, Bihar State Forest Development Corporation, Patna, Bihar to make payment of interest @ 12.5%



as per the law well settled in the case of **State of Kerala v. M. Padmanabhan Nair (supra) and D.D.Tewari v. Uttar Haryana Bijli (supra)** which has recently been followed by this Court in **C.W.J.C. No. 20378 of 2018 (Munakiya Devi Vrs. The State of Bihar & Ors.)**.

7. This Court appreciates the assistance given by Mr. Shukla. The Managing Director, Bihar State Forest Development Corporation, Patna, Bihar must ensure payment of interest, which is payable to the petitioner within a period of two weeks from the date of passing of the order. Managing Director, Jharkhand State Forest Development Corporation, must also ensure payment of statutory interest @ 12.5% within the aforesaid period.

8. Learned counsel appearing for the Jharkhand State Forest Development Corporation, must communicate this order to the Managing Director, Jharkhand State Forest Development Corporation, forthwith.

9. Accordingly, the writ petition stands disposed of.

(Purnendu Singh, J)

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