

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10231 of 2022

1. Satyendra Kumar Son of Braj Kishor Sharma resident of Village- Chotaki Akawana, P.S.- Ghoshi, District- Jehanabad.
2. Narendra Kumar Sharma @ Narendra Kumar Son of Braj Kishor Sharma, resident of Village- Chotaki Akawana, P.S.- Ghoshi, District- Jehanabad.
3. Upendra Kumar Sharma @ Upendra Kumar Son of Braj Kishor Sharma, resident of Village- Chotaki Akawana, P.S.- Ghoshi, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, New Secretariat, Patna.
2. District Education Officer, Patna.
3. District Programme (Establishment) Officer, Education Department, Patna.
4. Principal Government Tribhuwan Plus 2 School, Naubatpur, District- Patna.
5. Accountant General, Bihar, Veer Chand Patel Path, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pratap Sharma, Advocate
For the State	:	Mr. Rishi Raj Sinha, SC-19
		Mr. Manoj Kumar Sinha, AC to SC-19
For the Accountant General:		Mr. Vivekanand Kunwar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 23-06-2023

Heard Mr. Pratap Sharma, learned counsel appearing on behalf of the petitioners, Mr. Rishi Raj Sinha, learned SC-19 assisted by Mr. Manoj Kumar Sinha, learned AC to learned SC-19 appearing on behalf of the State and Mr. Vivekanand Kunwar, learned counsel for the Accountant General, Bihar.



2. Learned counsel appearing on behalf of the petitioners informs this Court that the grievance of the petitioners was redressed by the Finance Department, Public Grievance Redressal Cell by fixing revised pay scale of the deceased employee namely, Late Braj Kishor Sharma, who had died on 28.06.2009. The Accountant General, Bihar, has issued revised pension payment order but till date actual payment has not been made.

3. Learned counsel further submitted that petitioners are entitled to interest on delayed payment. Learned counsel, in support of his claim has relied upon a judgment/order dated 01.05.2023 of this Court passed in ***CWJC No. 7442 of 2021 (Savitri Sharma Vs. The State of Bihar & Ors.)*** and for claim of interest at the rate of 12.5 percent he has relied upon the law laid down by 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) 8 SCC 894***.

4. Learned counsel further submitted that petitioners seek to file a detailed representation in light of above settled law by the Apex Court before the Additional Chief Secretary, Education Department, Government of Bihar



(respondent no. 1).

5. Considering the fact that the relief as has been claimed in the present writ petition was not granted to the deceased employee during his lifetime, the pension has been revised and payment allegedly has not been made to the deceased employee including the interest on account of delay in payment, the Additional Chief Secretary, Education Department, Government of Bihar (respondent no. 1), is directed to consider the representation filed by the petitioners in the light of above noted judgments relied upon by the petitioners and dispose of the respective representations within a period of six weeks from the date of filing of the representation.

6. In case, on the basis of record of the deceased employee it is found that the case of the petitioner is not covered by the law laid down by the Apex Court in that case, the petitioner must be afforded with an opportunity of hearing and after providing proper opportunity of hearing, the materials made available before him, in accordance with law.

7. In case, the petitioners are entitled to the relief as claimed in the present writ petition then in that case, the the Additional Chief Secretary, Education Department, Government of Bihar (respondent no. 1) must forthwith direct all the



concerned authorities to ensure payment of dues amount within
a further period of three weeks.

8. With above observations and directions, the
present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/Nilmani

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	28.06.2023
Transmission Date	N/A

