

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.248 of 2016

In
Civil Writ Jurisdiction Case No.687 of 2009

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Ram Chandra Thakur, son of Late Ram Sarwal Thakur, resident of Village-Harpur, P.S.- Peor, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Arun Kumar Singh, The Commissioner-Cum-Secretary, Department Of Water Resources, Govt. of Bihar, Sichai Bhawan, Patna
2. Krishna Deo Prasad, the Under Secretary, Department of Water Resources, Govt. of Bihar, Old Secretariate, Patna
3. Hari Narayan, the Chief Engineer, Water Resources Department Irrigation Anisabad, Patna.
4. Prem Pushp Kumar, the Treasury Officer, Sichai Bhawan, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Aditya Narain Singh, Advocate Mr. Kundan Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Ajeet Kumar, GA-9

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 22-09-2023 Heard Mr. Aditya Narain Singh, learned counsel for the petitioner and Mr. Ajeet Kumar, learned GA-9 representing the State.

2. It is submitted on behalf of the respondents-opposite parties that in compliance of the order of this Court supplementary and 2nd supplementary show-cause have been filed across the Board, the copies of which have been served upon the learned counsel for the petitioner. The show-cause have been taken on record.



3. While referring to the averments made in the supplementary show-cause, submission has been made that after making all the calculation of the retiral benefits under different heads, the petitioner has been paid interest @ 12% over his retiral benefits from due date to the date of actual payment, the calculation chart of which has also been brought on record by way of Annexure- R/3. He further drew the attention of this Court to letter no. 1895, dated 10.07.2018 (Annexure- R/6), issued under the signature of Chief Engineer, Flood Control and Water Discharge, Water Resources Department, Patna addressed to the petitioner specifying the fact that the petitioner has been paid Rs.9,92,268/-as an interest over the amount of pension, gratuity and earned leave after making proper calculation. Thus, the petitioner is not entitled for any further interest over the retiral benefits, as has been claimed by him in the garb of the order of this Court dated 06.08.2015 passed in C.W.J.C. No. 687 of 2009. That apart, the learned counsel for the State further submits that even GPF amount has also been calculated by adding 12% interest and has been paid to the petitioner.

4. At this stage, learned counsel for the petitioner while refuting the contention of the State submits that the order of this Court has been passed taking into consideration the delay



in effecting the payment of retiral benefits and thereby directed to pay 12% interest and, as such, in any view of the matter the petitioner shall be entitled for 12% interest over all the payments made under the retiral benefits.

5. Having considered the averments made in the supplementary and 2nd supplementary show-cause, especially, Annexure-R/6 and the submissions put forth by the learned counsel for the parties, this Court is satisfied that the petitioner has already been paid interest @ 12% over the retiral benefits as well as on GPF amount and thus in any view of the matter he would not be allowed any further interest over the retiral benefits, which have already been paid along with interest as directed by this Court.

6. Accordingly, the contempt petition stands disposed of.

(Harish Kumar, J)

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