

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13320 of 2023

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Sunder Kumar Sharma Son of Late Kapildeo Singh, Resident of Village-
Ronniya, Police Station- Khijar Sarai, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Science and Technology, Government of Bihar, Patna.
2. The Director, Department of Science and Technology, Government of Bihar, Patna.
3. The Incharge Principal, Government Polytechnic, Gaya, District- Gaya.
4. The District Provident Fund Officer, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Respondent/s : Mr. Ajay (GA- 5)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 03-10-2023

Heard Mr. Arun Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Ajay, learned GA-5 for the
State.

2. Learned counsel appearing on behalf of the
petitioner submitted that substantial amount of retiral dues has
been paid to the petitioner but the petitioner has been denied due
interest on account of delay in making payment and seeks to file
a detailed representation before the Director, Department of
Science and Technology, Government of Bihar.

3. Considering the limited relief sought for on
behalf of the petitioner as well as law laid down by 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*, in which it is stated that employers are responsible to make payment of interest on account of delay in making payment. In light of the said decision of the Apex Court, interest as claimed for by the petitioner must be paid to the petitioner at the rate of 12.5% as per the law laid down by the Apex Court in the above decisions within a period of four weeks.

4. This Court further clarifies that the pension is required to be calculated one month before the date of retirement as well as the same is required to be paid not beyond a period of three months as per the several government circulars and central government directives.

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

(Purnendu Singh, J)

Niraj/-

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

