

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17357 of 2022

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Yogendra Kumar Son of Late Mukhlal Ram Resident of Village- Subadhiya Nathan, P.O.- Balra Ismile, Via- Baghi, P.S.- Maniyari, District- Muzaffarpur, the retired Rajaswa Karamchari, Sursand Anchal, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, Sitamarhi, District- Sitamarhi.
4. The District Establishment Deputy Collector, Sitamarhi, District- Sitamarhi.
5. The Circle Officer, Sursand, District- Sitamarhi.
6. The Senior Treasury Officer, Sitamarhi, District- Sitamarhi.
7. The Senior Treasury Officer, Muzaffarpur, District- Muzaffarpur.
8. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam, AAG-12

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-11-2023 Heard Mr. Vijay Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Arun Kumar Bhagat, learned counsel for the respondent. The Accountant General, Bihar, Patna is represented by Mr. Raj Nandan Prasad.

2. The petitioner who was duly appointed as a revenue karmachari in the year 1974, after serving more than 35 years, superannuated from his service on 31.12.2009 from Sursand Circle, District Sitamarhi.

3. Despite the petitioner, having been superannuated



way back on 31.12.2009, when he had not been accorded the pension and other retiral dues, he was compelled to approach this Court by filing CWJC No. 1774 of 2016.

4. The respondents having come to know about the filing of the aforementioned writ petition, sent the pension papers and service book to the office of the Accountant General, Bihar, Patna, vide letter no. 150, dated 09.04.2016, for sanction of final pension and gratuity.

5. On receipt of the sanction order the respondent Accountant General, Bihar, Patna issued pension payment order on 11.08.2016. Irrespective of the pension payment order as well as death-cum-retiral gratuity payment order issued by the Accountant General, Bihar way back on 11.08.2016, the final pension has been commenced with effect from June, 2018 but surprisingly the arrears of pension for the period of 01.01.2010 to 31.05.2018 amounting to Rs. 13,12,577/-, has not been paid and again the petitioner has compelled to move before this Court by filing the present writ petition.

6. Now this time again after filing of the writ petition, the Circle Officer, Sursand, Sitamarhi belatedly issued sanction order vide letter no. 713 dated 01.12.2022 for payment of arrears of pension and sent to the Treasury Officer, Sitamarhi,



vide letter no. 1858, dated 06.02.2023, a copy of which is marked as annexure B to the counter affidavit filed on behalf of respondent no. 8.

7. It has been informed to this Court that after issuance of the aforesaid letter, now the arrears of pension for the afore-noted period to the tune of Rs. 13,12,577/- has been credited in the account of the petitioner.

8. At this juncture, learned counsel for the petitioner submits that admittedly the petitioner superannuated way back on 31.12.2009 itself and this arrears of pension has been allowed to him after delay of 13 years, without any statutory interest. He further submits that in any view of the matter the petitioner is entitled for interest over the delayed payment.

9. Reliance has been made on a judgment passed by learned Division Bench of this Court in case of *Punam Devi vs. State of Bihar, in LPA No. 1705 of 2018*.

10. Considering the submissions made on behalf of the parties and taking note of the fact that the delay has been committed in ensuring the payment of arrears of pension of the petitioner, this Court feels it appropriate to dispose of the matter with a liberty to the petitioner to file a proper representation before the District Magistrate, Sitamarhi, preferably within a



period of 4 weeks from today, alongwith the order of this Court as also with the documents and the judgment in support of his claim for interest over delayed payment.

11. On receipt of the aforesaid representation, the District Magistrate, Sitamarhi shall consider the same in the light of the order of the learned Division Bench in case of Punam Devi *supra* and shall pass a reasoned order in respect to the interest over the delayed amount, preferably within a further period of 8 weeks.

12. It is further observed that any amount of interest payable to the petitioner shall be recovered from the erring officials.

13. Accordingly the present writ petition stands disposed off.

(Harish Kumar, J)

supratim/-

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