

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.803 of 2023

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Chandra Bhushan Kumar Son of Late Narayan Prasad, Resident of Village Bairiganj, Ward No.- 5, P.O.- Khapura, P.S.- Nagarnausa, District- Nalanda, Retired Toll Clerk, Mahatma Gandhi Setu Division, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, National Highway, Road Construction Department, Patna.
2. The Additional Chief Secretary, National Highway, Road Construction Department, Patna.
3. The Chief Engineer, National Highway, Road Construction Department, Patna.
4. The Superintending Engineer, National Highway, Circle, Patna.
5. The Executive Engineer, National Highway, East Division, Patna.
6. The District Magistrate, Patna.
7. The Executive Engineer, Mahatma Gandhi Setu Division, Gaighat, Patna.
8. The Assistant Director, Provident Fund Directorate, Patna Bhawan, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar, Advocate
For the Respondent/s : Mr.Amit Prakash (GA 3)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 08-05-2023

Learned counsel appearing on behalf of the respondents files supplementary counter affidavit on behalf of the respondent nos. 4 and 7 and affidavit on behalf of the Additional Chief Secretary, Finance Department, Government of Bihar today in the Court itself. Let it be kept on record.



2. Learned counsel appearing on behalf of the petitioner informs this Court that during the pendency of the present writ petition, all the admissible retiral dues have been paid to the petitioner, however, the interest has not been paid to him on delayed payment.

3. The law on grant of interest on delayed payment of retiral benefit is no longer *res integra*. 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** 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 and property and any delay in settlement or disbursement thereof must be compensated with the penalty of payment of interest at the current market rate till actual payment to the employee.

4. Considering the aforesaid submissions of the learned counsel appearing on behalf of the petitioner, the petitioner, if so advised, may file a detailed representation along with the copy of this order claiming interest on the delayed payment and the interest



on the delayed payment must be paid to the petitioner within a period of three weeks.

5. With the above observation/direction, the present writ petition is disposed of.

6. There shall be no order as to costs.

(Purnendu Singh, J)

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AFR/NAFR	NAFR
CAV DATE	
Uploading Date	09.05.2023
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