

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13198 of 2018

1. Rohit Kumar and Ors Son of late Baidyanath Prasad Singh Resident of Village/Mohallah Patel Nagar Road No. Zero P.S. Shashtri Nagar, District-Patna.
2. Nivedita Singh@ N. Singh D/o late Baidyanath Pd. Singh, Wife of Ajit Kumar Singh Resident of -86, Airport Road, Priyadarshni Colony, P.S. Khamariya, District Jabalpur Madhya Pradesh.
3. Anamika Singh D/o late Baidyanath Pd Singh, W/o Sri Praneet Sarvesh, Resident of Mohalla- Mediri, P.S. Kotwali, District- Patna.
4. Amit Singh Son of late Baidyanath Prasad Singh Resident of Village/Mohalla Patel Nagar Road No. Zero, P.S. Shastri Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Finance, Govt. of Bihar, Old Secretariat, Patna
2. The State Transport Commissioner, Patna.
3. The Principal Secretary, Department of Transport, Govt. of Bihar.
4. The Accountant General, Bihar.
5. The District Transport Officer, Patna, Bihar.,
6. The District Provident Fund Officer, Patna, Bihar.
7. The State of Jharkhand,through Principal Secretary, Dept of Transport, Jharkhand, Ranchi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Singh, Sr. Advocate Mrs. Manisha Singh, Advocate
For the State of Jharkhand:	:	Mr. Sanjay Kumar Pandey, Advocate
For the Principal A.G.	:	Mr. Binod Kumar Labh, SC(1A2AD)
For the State	:	Mrs. Anuradha Singh, SC-21 Mrs. Nutan Kumari Sharma, AC to SC-21

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

15 04-05-2023 Heard Mr. Ashok Kumar Singh, learned Senior Counsel assisted by Mrs. Manisha Singh, learned counsel appearing on behalf of the petitioners, Mr. Sanjay Kumar Pandey, learned counsel appearing on behalf of the State of



Jharkhand, Mr. Binod Kumar Labh, learned Standing Counsel appearing on behalf of Principal Accountant General (A2E) Bihar and Mrs. Anuradha Singh, learned SC-21 for the State.

2. Mr. Ashok Kumar Singh, learned Senior Counsel appearing on behalf of the petitioners submitted that the petitioner is entitled to interest at the rate of 12.5% in view of the law laid down by the Apex Court in case of ***State of Kerala vs. M. Padmanabhan Nair*** reported in (1985) 1 SCC 429 and ***D.D. Tewari vs. Uttar Haryana Bijli*** reported in (2014) 8 SCC 894 and another decisions of this Court.

3. Any opinion which has been sought from the Finance Department by the Transport Department must take into account the law laid down by the Apex Court.

4. Considering the aforesaid submission of the learned Senior Counsel and the averments made in the counter affidavit, this Court directs the Additional Chief Secretary, Finance Department to calculate the interest at the applicable rate which has been fixed by the Apex Court in case of ***State of Kerala vs. M. Padmanabhan Nair*** reported in (1985) 1 SCC 429 and ***D.D. Tewari vs. Uttar Haryana Bijli*** reported in (2014) 8 SCC 894 within a period of three weeks.

5. This Court directs the concerned department to



forthwith release the entire amount on account of delayed payment payable to the petitioner within a further period of two weeks.

6. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

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