

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15778 of 2012

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Bihari Pd. Keshri, S/O Late Ram Prasad Keshri, Hospital Road, Near Subhas Cowk, Jaikrishna Tractors, P.O. and P.S.- Forbesganj, Pin- 854318 Distt.- Araria, State- Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar through Registrar, Cooperative Societies, Bihar, Patna-15
2. Managing Director, Multi State, L.D.B. Ltd., Budh Marg, Patna- 1

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate
For the Respondent/s : Mr. Rajesh Prasad Choudhary, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 09-05-2024

Heard Mr. Mahendra Thakur, learned counsel appearing on behalf of the petitioner and Mr. Rajesh Prasad Choudhary learned counsel for the Bank.

2. Petitioner is aggrieved by the action of the Managing Director, who in spite of the fact that an amount of Rs.1,86,157/- has been sanctioned by the Bank, *vide* communication contained in Estt/211-72-73/485, dated 27.05.2008 on account of payment of salary for the month of December, 2005, March, 2006 to February, 2007 and June, 2007 to August, 2007, the Bank has not credited the same into the salary account of the petitioner.

3. Learned counsel submitted that petitioner is aggrieved on account of delay in making the payment and on



account of delay, he is entitled for statutory interest for the said period.

4. Mr. Rajesh Prasad Choudhary, learned counsel appearing on behalf of the Bank has submitted that sanction order itself appears to be not in accordance with law and, as such, the writ petition is fit it be dismissed. He has further submitted that the writ petition, otherwise also be dismissed in view of the law laid down by a Division Bench of this Court, rendered in the case of the **Organizer, Dehri C.D. & C.M. Union Limited Fazalganj, Sasaram Vs. the State of Bihar & Ors.**, reported in **2014(1) PLJR 695**.

5. Having considered the rival submission made on behalf of the parties, this Court has to proceed first to decide the maintainability of the writ petition. It is settled principle of law that in case dues is admitted and delay in non-payment on account of the authority, the Writ Court should not refrain to protect the right of a citizen. The rule of law is the mandate of the Constitution followed by the principle of reasonableness. I find that the right granted under Article 21 of the Constitution of India cannot be defeated on the basis of a technical objection raised on behalf of the Bank.

6. The respondents have admitted that a sum of



Rs.1,86,157/- has been sanctioned by the Bank on 27.05.2008 by a competent authority and, as such, the Bank must not restrain from disbursing the said amount to the petitioner along with the statutory interest forthwith well within a period of six weeks from the date of communication of the order.

7. With aforesaid observation, the writ petition stands disposed of.

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.05.2024
Transmission Date	NA

