

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.483 of 2021

In
Civil Writ Jurisdiction Case No.19697 of 2018

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Naseem Jahan Wife of Late Md. Qamar Quraishi Resident of Mohalla-Kadirabad, P.S.- LNMU Campus, Town and District- Darbhanga and At present Residing at 18 B, Royal, Shipra Sun City, P.S.- Indrpuram, District-Ghaziabad (UP- 201014)

... .. Appellant/s

Versus

1. The State of Bihar through the Commissioner-cum-Special Secretary, Department of Health and Family Welfare, Government of Bihar, New Secretariat, Patna-1.
2. The Commissioner-cum-Special Secretary, Department of Health and Family Welfare, Government of Bihar, New Secretariat, Patna-1.
3. The Special Secretary, Department of Finance, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Ms. Prakritita Sharma, Advocate
For the Respondent/s	:	Mr. S.D. Yadav, A.A.G.-9
		Mr. Anil Kumar Verma, A.C. to A.A.G.-9

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

5 22-08-2024

On 08.08.2024, the following order was passed:-

“Appellant has assailed the order of the learned Single Judge dated 07.04.2021 passed in CWJC No. 19697 of 2018 insofar as in not considering the interest part on account of promotion and ACP benefit.

2. Learned counsel for the State is hereby directed to verify on belated settlement of promotion and extension of



*ACP benefit whether appellant is entitled to interest on such amount or not? He is hereby directed to verify and peruse the Hon'ble Supreme Court decision in the case of **Vijay L. Mehrotra Vs. State of Uttar Pradesh** and others reported in 2001 9 SCC 687.*

3. Relist this matter on 22.08.2024."

2. Today, learned Counsel for the State, Mr. Anil Kumar Verma submits that he has no instruction. It is a purely legal issue as to whether the appellant is entitled to interest on belated settlement of certain monetary dues or not?

3. In this regard, in our earlier order we have quoted the Hon'ble Supreme Court decision. In order to give one opportunity, the matter was adjourned to this day.

4. Learned Counsel for the appellant submitted that he is entitled to interest from the date of time bound advancement which was due on 01.05.1991 and 1st ACP on 09.08.1999. Further, the aforementioned grievance he had approached this Court for the first time in the year 2011, it was dismissed and thereafter, he preferred L.P.A. and it was allowed on 22.02.2015. The appellant is entitled to interest from what date is required to be determined. The appellant is entitled to interest prior to three years from the date of filing first C.W.J.C. on 27.04.2011 in the



light of Hon'ble Supreme Court decision in the case of ***M.R. Gupta vs. Union of India & Ors.*** reported in ***1995 SCC (5) 628***. In other words, the appellant is entitled to interest on belated settlement of time bound promotion and first ACP, monetary benefits from 1st May, 2008, the same shall be calculated till actual payment is made at the rate of 6 per cent per annum and disbursed the same.

5. With the aforesaid observation, the present L.P.A. No. 483 of 2021 stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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