

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.157 of 2021

In
Letters Patent Appeal No.72 of 2021

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Hari Kishore Sinha S/o Late Ram Prasad Sinha R/o- Village- Basbitta, P.S.-
Majorganj, District- Sitamarhi, At present resident of Mohalla- Rajive Nagar,
Road No.- 05, P.S.- Rajive Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Government of Bihar.
3. The Engineer-in- Chief, Road Construction Department, Government of Bihar.
4. The Accountant General (A and E), Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sahabuddin Azim, Advocate

For the Opposite Party/s : Mr. S.D Yadav, AAG 9
Mr. Anil Kr. Verma, A/C to AAG-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)

3 06-09-2024 Petitioner has sought for review of the order of

Co-ordinate Bench dated 09.09.2021 passed in LPA 72 of

2021 arising out of CWJC No. 3968 of 2020. The review

petitioner restricted his arguments only in respect of

payment of interest on belated settlement of retiral benefits.

Co-ordinate Bench allowed interest at 9 percent per annum

from the date of filing writ application that is 19.02.2020



till the actual payment is made vide page no. 4. of LPA order.

2. Learned counsel for the review petitioner submitted that petitioner retired from service on 31.12.2014 before that he was dismissed from service on 14.11.2014, it was subject matter of CWJC No. 961 of 2015 and it was allowed on 16.04.2018. Thereafter his retiral benefits have not been settled. Resultantly he has filed MJC No. 2959 of 2018 and it was disposed on 16.08.2019. However, for non settlement of retiral dues he has filed CWJC No. 961 of 2015 and it was disposed of on 16.04.2018. His retiral benefits are settled on 19.02.2020. It is submitted that in the light of factual aspects of the matter and the fact that dismissal order dated 14.11.2014 was set aside by the learned Single Judge in CWJC No. 961 of 2015 on 16.04.2018 resultantly the concerned respondent should have settled the retiral benefits on 16.04.2018 onwards however, they have compelled petitioner to invoke once again in filing CWJC No. 3968 of 2020. Therefore, there is a delay on the part of the official respondent in not settling the retiral dues of the petitioner after disposal of CWJC No.



961 of 2015 on 16.04.2018. Co-ordinate Bench has committed error in not appreciating quashing of the dismissal order dated 14.11.2014 on 16.04.2018 in CWJC No. 961 of 2015. Therefore cause of action for claiming retiral benefits to the petitioner would arise from 16.04.2018 onwards. Assuming that for preparation of pension papers, the official respondents requires about 3 months in that event they should have settled the petitioner's retiral benefits as on 01.08.2018, on the other hand, they have settled the dues of the petitioner only on 19.02.2020 therefore, the review petitioner is entitled to interest on belated settlement of retiral benefits at the rate of 9 percent per annum from 01.08.2018 till 19.02.2020.

3. To the above extent Co-ordinate Bench order dated 09.09.2021 passed in LPA 72 of 2021 arising out of CWJC No. 3968 of 2020 stands reviewed and modified. The concerned respondents are hereby directed to calculate interest at the rate of 9 percent on all retiral benefits which was stated to have been paid on 19.02.2020. Only interest is required to be calculated at 9 percent per annum from 01.08.2018 to 18.02.2020. In this regard, necessary



calculation shall be made and disbursed in favour of the review petitioner within three months from today.

4. With the above observation review petition stands allowed in part while modifying the order dated 09.09.2021 passed in LPA 72 of 2021.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

Raj Ranjan/alok-

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