

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3291 of 2024

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Arun Kumar Jha, S/o Late Prameshwar Jha, R/o Village-Hansa, P.S.-Waris
Nagar, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Addl. Chief Secretary, Department of Education, Patna, Bihar.
2. The Director, Elementary Education, Govt. of Bihar, Patna.
3. The District Education Officer, Samastipur.
4. The District Programme Officer, Establishment, Samastipur.
5. The Accountant General Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Narain Yadav, Adv.
For the Respondent/s	:	Mr. Jitendra Kumar Roy, SC-13
For the AG, Bihar	:	Mr. Bindhyachal Rai, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-02-2025 Heard the parties.

2. The petitioner superannuated from the post of Head Master from Adarsh Middle School, Jitwariya, Kalyanpur, Samastipur on 30.09.2020. Despite his superannuation long back in the year 2020 when the petitioner has not been allowed post retiral benefit(s), he compelled to approach this Court by filing the present writ petition.

3. Learned counsel for the petitioner fairly contended that admittedly during pendency of the writ petition, substantive amount of the retiral benefits as well as pension and gratuity have been paid to the petitioner, however, without there being



any statutory interest over the delayed payment. It is the contention of the petitioner that soon after his retirement, he submitted all the necessary documents and pension papers, but the respondent authorities kept on sitting tight over the matter and when the petitioner approached this Court in the year 2020, the respondent authorities woke up from the slumber and paid all the dues in the year 2024. Reliance has also been placed on the judgments rendered by the Hon'ble Supreme Court as well by this Court in the cases of **State of Kerala v. M. Padmanabhan Nair [(1985) 1 SCC 429]**, **D.D. Tewari v. Uttar Haryana Bijli [(2014) 8 SCC 894]**, **Dr. A. Selvaraj v. C.B.M. College and Others [(2022) 4 SCC 627]** and **Munakiya Devi v. The State of Bihar and Others [C.W.J.C. No. 20378 of 2018]**, wherein the Court having taken note of the unexplained delay on the part of the respondent authorities has allowed interest over the delayed payment.

4. Learned counsel for the respondents dispelling the contention of the petitioner has contended that after completing all the formalities, the admissible amount as well as pension and gratuity have been paid to the petitioner. It is further contended that there was an objection on the part of the office of the Accountant General, which was clarified by the authorities



concerned and thereafter the payment has been made and, as such, there is no delay on the part of the respondents.

5. Considering the position that the retiral benefits have been paid to the petitioner, however, with delay as alleged, this Court deems it apt and proper to dispose off the writ petition with a liberty to the petitioner to file a proper representation explaining the factum of delay supported by the Governments' Circular along with the rulings as noted, hereinabove.

6. In case, such a representation is filed preferably within a period of four weeks from today, the respondent no.3, the District Education Officer, Samastipur, shall consider the same and pass a reasoned and speaking order in accordance with law.

7. In case, the claim of the petitioner finds favour, necessary consequential order shall be passed.

(Harish Kumar, J)

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