

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.170 of 2024

In

Civil Writ Jurisdiction Case No.9985 of 2023

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Kameshwar Singh son of Shri Ram Janam Singh, resident of Mohallah-Magadh Colony, Road No.1, House No. 777, P.O. - Gaya, P.S.- Magadh Medical College, District-Gaya.

... .. Appellant/s

Versus

1. Canara Bank Through its Managing Director and Chief Executive Officer, Having its Head Office, At 112 J.C. Road, Bangalore -560002 (Karnataka).
2. Managing Director and Chief Executive Officer Canara Bank, Having its Head Office, At 112 J.C. Road, Bangalore -560002 (Karnataka)
3. The Executive Director (HRD), Personnel Wing/H.R. Wing, Personnel Managing Section, Canara Bank, Having its Head Office, At 112 J.C. Road, Bangalore -560002 (Karnataka)
4. The General Manager(HRD), Personnel Wing/H.R. Wing, Personnel Managing Section, Canara Bank, Having its Head Office, At 112 J.C. Road, Bangalore -560002 (Karnataka)
5. The Deputy General Manager, Canara Bank, Circle Office, LAV Kush Tower, 3rd Floor, Post Box No. 195, Exhibition Road, Patna -800001

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Arbind Kumar Sinha, Advocate
		Mr. Jai Kishor Poddar, Advocate
For the Respondent/s	:	Mr. Siddharth Harsh,, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 31-01-2025

Heard Mr. Arbind Kumar Sinha, learned Advocate for

the appellant and Mr. Siddharth Harsh, learned Advocate for the

respondent/Bank.

I.A. No. 1 of 2024



2. Mr. Arbind Kumar Sinha, learned Advocate for the appellant presses I.A. No. 1 of 2024 for condoning the delay of three days in preferring this appeal.

3. For the reasons stated in the application, the delay of three days in preferring this appeal is condoned.

4. I.A. No. 1 of 2024 stands allowed.

L.P.A. No. 170 of 2024

5. A learned Single Judge of this Court *vide* his judgment dated 11.01.2024 has declined the request of the appellant for a direction to the respondent/Bank to pay compound interest at the rate of 18% from 30.08.2009 as without any fault on the part of the appellant, the respondent/Bank has made delay in extending the privilege of encashment of earn leave to which he is entitled from 2015.

6. The ground relied upon by the learned Single Judge is that the law is well settled that no writ petition could be entertained with the sole prayer of awarding interest unless it is provided in the statute.

7. The appellant was served with a punishment of compulsory retirement in the year 2009. At that time, the leave



encashment privilege was not allowed to compulsorily retired employees/officers, which privilege was extended only by the decision of the Bank on 30.04.2015. At best, the appellant ought to have been given the benefit of encashment of privilege leave after 30.04.2015. However, the same was not forthcoming. The appellant had approached this Court in a writ petition in which it was directed that he be paid the aforementioned amount after encashment of the leave urgently and for interest to be paid on the said amount for the delay, the appellant was permitted to make suitable representation before the concerned authority.

8. Nothing happened thereafter and the appellant was constrained to approach this Court again *vide* CWJC no. 9985 of 2023, the order passed in which case is under challenge.

9. Only for awarding interest, a writ petition would not be maintainable as there is no such provision in the Bank Rules for awarding interest on delayed payment.

10. The learned Advocate for the appellant has relied upon a judgment in ***State of Jharkhand & Ors. vs. Jitendra***



Kumar Srivastava & Anr. [(2013) 12 SCC 2010] but the facts of the present case is different.

11. After the extension of such privilege to an employee, who has been compulsorily retired in the year 2015, the appellant had approached this Court for grant of such privilege only in the year 2021 and the payment was made in the year 2023.

12. We find no infirmity in the order passed by the learned Single Judge and therefore do not wish to interfere with the same.

13. The appeal stands dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

krishna/sujit

AFR/NAFR	NAFR
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