

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.181 of 2022

In
Civil Writ Jurisdiction Case No.2059 of 2021

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Mohan Singh, son of Bindeshwari Prasad Singh, resident of Anand Nagar
Ward No. 27 Bettiah, Police Station-Bettiah Town, District-West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department,
Government of Bihar, Patna.
2. The District Magistrate, West Champaran, Bettiah.
3. The Executive Engineer, Rural Works Department, Works Division, Bettiah,
District-West Champaran.
4. The District Treasury Officer, West Champaran at Bettiah.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Brij Kishor Mishra, Advocate
For the State	:	Mr. S. Raza Ahmad, AAG-5
		Mr. Md. Kamil Akhtar, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

and

HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date : 25-07-2025

The present intra court appeal is directed against the judgment dated 23.03.2022, passed by a learned Single Judge of this Court in CWJC No. 2059 of 2021, whereby, the writ petition filed by the appellant/writ petitioner has been dismissed holding therein that the appellant is not entitled for interest on Vehicle Driver allowance.

2. The writ petition was filed for the payment of interest of sum of Rs. 16,275/- made as Vehicle Driver



Allowance, which was rejected by the learned Single Judge. The appellant retired in the year 2009 from the service, and for the payment of retirement benefits, he filed the writ petition. The retirement benefits were paid, but driver allowance @ Rs. 60 per month which came to Rs. 16,275/- was not paid.

3. The learned counsel for the appellant submitted that for the said amount, a separate writ petition was filed vide CWJC No. 6581 of 2016, which was considered for payment by the department. Hence, the writ application was withdrawn as it had become infructuous. In Annexure-3 of the writ petition, it was specifically submitted by the learned counsel for the appellant that certain part of relief has been granted during the pendency of this writ petition, and for interest, already another writ petition (CWJC No. 13859 of 2019) has been filed, and as such he wants to withdraw this application.

4. The learned counsel for the appellant further submitted that he was always pursuing the remedy. The appellant filed representations before the Department in this matter on 24.07.2019 and 19.08.2019. The Department by order dated 09.12.2019, rejected his claim regarding interest on the Vehicle Driver Allowance.

5. The petitioner filed CWJC No. 2059 of 2021



challenging the order dated 09.12.2019, which was dismissed by the learned Single Judge vide judgment dated 23.03.2022.

6. The learned Single Judge formulated the issue in Paragraph Nos. 3 and 4 of the impugned judgment, as under :

“3. Short question for consideration in the present petition is whether the petitioner is entitled to interest on belated settlement of vehicle driver allowances or not?

4. The petitioner's claim is to extend interest on the vehicle driver allowances from 1987 till 2009. For the first time, the petitioner has demanded the driver allowances in the year 2016. Demanded vehicle allowances has been settled in the year 2016 itself. In this backdrop whether the petitioner is entitled to interest on vehicle driver allowances paid in the year 2016 or not?”

7. The learned Single Judge noticing the conduct of the petitioner observed in Paragraph Nos. 5 and 6, as under :

“5. Undisputedly, the petitioner had a cause of action in the year 1987 till 2009. The petitioner for the first time approached the respondent in seeking vehicle driver allowances in the year 2016 for the period 1987 to 2009 and it was settled in the year 2016.



6. *Having regard to the conduct of the petitioner and the fact that the petitioner has slept over his right during the intervening period from 1987 to 2009 and from 2016 to 2021, therefore, the petitioner is not entitled to interest, as claimed in the present petition.”*

8. After going through the judgment of the learned Single Judge and the reasoning given therein, we are also of the view that the appellant ventilated his grievance before the writ Court after unreasonable delay, as his claim is stale one. Therefore, in our considered opinion, the order of the learned Single Judge does not require any interference.

9. Accordingly, the appeal is dismissed.

10. The appellant will be at liberty to file a representation before the concerned authority, if so advised, who shall pass an appropriate order in accordance with law within a reasonable time.

(Sudhir Singh, J)

(Ramesh Chand Malviya, J)

Anushka/-

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CAV DATE	
Uploading Date	31.07.2025
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