IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.869 of 2023
In
Civil Writ Jurisdiction Case No.20378 of 2018

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1. The State of Bihar through Principal Secretary, Water Resources Department, Bihar, Patna.
2. The Director, Dam Suraksha Prakost, Water Resources Department, Water Resources Bhawan, Block B, 3rd Floor.
3. The Treasury Officer, Secretariat Treasury, Patna Nirman Bhawan, Patna.

... ... Appellant/s

Versus

1. Munakiya Devi Wife of Late Raj Nandan Paswan Resident of Village-Dihuri, Police Station- Halasganj, District- Jehanabad.
2. The Accountant General A and E, Bihar, Patna.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Akash Chaturvedi (A.C. To S.C.11)
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

7 15-09-2025 In the instant petition, State-appellants have preferred the present L.P.A. in assailing the order of the learned Single Judge dated 23.03.2023 passed in CWJC No. 20378 of 2018. Respondent-Munakiya Devi, wife of deceased Raj Nandan Paswan. Deceased Raj Nandan Paswan while holding the post of Correspondence Clerk, attained age of superannuation and retired from service on 28.02.2009. P.P.O. was issued on 13.10.2009. Certain No Objection Certificate was wanting for which it was submitted on 12.04.2009 and 2nd

respondent has issued a No Objection Certificate on 18.12.2009 whereas the 6th Pay Revision was required to be extended to the deceased employee for the purpose of extending Monetary benefits, the same was not undertaken. Resultantly, CWJC No. 20378 of 2018 was presented. Learned Single Judge has taken note of dates and events and proceeded to award 12% interest on the belated settlement of retiral benefits. Feeling aggrieved by the order of the learned Single Judge, appellant-State is before this Court.

2. Learned counsel for the appellants-State vehemently contended that it was bounden duty of the retired employee to approach the concerned treasury in terms of Rule 229 of Bihar Treasury Code, 2011 seeking to settle his/her retiral benefits, he has failed to approach and there is a non-compliance to Rule 229. Therefore, delay cannot be attributed to the officials-appellants. The same has not been appreciated by the learned Single Judge.

3. Facts are not disputed. In fact, learned Single Judge in paragraph 12 recorded as under: -

> *"12. I am of the opinion that the respondent no. 2 by not taking into consideration the said fact are themselves responsible for delay in sanctioning the*

> *pension and gratuity to the husband of the petitioner. The said fact is also revealed from the counter affidavit filed on behalf of the Accountant General, Bihar, Patna in which it has been stated that the office of the Accountant General detected that the arrears upon pension amounting Rs. 10,07033/- along with statutory and penal interest for the period 01.03.2009 to June 2017 as claimed by the petitioner requires to be paid to the petitioner and for that, request was made to the respondent no. 2 to issue sanction of the said amount on priority basis."*

4. Taking note of the aforementioned factual aspects, it is crystal clear that there is a delay on the part of the officials-appellants. Rule 229 of Bihar Treasury Code, 2011 is not at all attracted to the case in hand for the reasons that deceased Raj Nandan Paswan has attained age of superannuation and retired from service on 28.02.2009, the date on which the Bihar Treasury Code, 2011 was not existing in the eye of law. Therefore, the appellants-State have not made out a case so as to interfere with the learned Single Judge order dated 23.03.2023 passed in CWJC No. 20378 of 2018. It is to be noted that the present L.P.A. was presented in the year 2023. There is no interim order and order of the learned single Judge has not been

given effect to till date. Therefore, the concerned authority-appellant is hereby directed to implement order of the learned Single Judge dated 23.03.2023 passed in CWJC No. 20378 of 2018 for the reasons that respondent-Munakiya Devi is a legal heir of the deceased employee. That apart deceased employee attained age of superannuation and retired from service on 28.02.2009. It is more than a decade grievance of the respondent has not been redressed. Therefore, the appellant-concerned authority is hereby directed to calculate interest on belated settlement of retiral benefits with certain calculation from the relevant date upto the final payment made. The above exercise shall be completed while disbursing interest to the respondent-Munakiya Devi within a period of three months from the date of receipt of this order, failing which respondent is entitled to litigation cost of Rs. 25,000/-.

4. With the above observation, the present L.P.A No. 869 of 2023 stands disposed of.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

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