

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.180 of 2025

In
Civil Writ Jurisdiction Case No.12983 of 2022

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1. The State of Bihar through the Commissioner cum Secretary, Science, Technology and Technical Education Department, Government of Bihar, Patna.
 2. The Director, Science, Technology and Technical Education Department, Government of Bihar, Patna.
 3. The Principal, Government of Ploytechnic College, Gaya.

... .. Appellant/s

Versus

Uday Kumar Son of Late Ramdeo Prasad, Resident of Village/ Mohalla Ghughritand, P.S. Chand Chouraha, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prem Ranjan Raj, A.C. to S.C.-7
For the Respondent/s : Mr. Chandra Bhushan Verma, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-04-2026

The present Letters Patent Appeal has been filed by the State of Bihar challenging the order dated 14.08.2024 passed by the learned Single Judge in C.W.J.C. No. 12983 of 2022, whereby and whereunder the learned Single Judge has been pleased to direct the appellants to pay interest at the rate of 6% per annum on the delayed payment of salary of the petitioner's father, for the period from 01.07.1992 to 22.04.2003, till the date of actual payment, which was made on 23.03.2024.

2. The writ petition was filed by the petitioner, Uday



Kumar, seeking the following reliefs:-

" (i) To issue writ mandamus in nature directing the Respondent authorities to pay dues salary from July, 1992 to 22.04.2003 of the petitioner's father, petitioner father is a dresser cum compounder, Government Polytechnic College, Gaya, petitioner's father died on 24.04.2003.

(ii) To any other relief/reliefs for which the petitioner is entitled for in the facts and circumstances of the case."

3. It is the case of the petitioner that his father was appointed as a Dresser-cum-Compounder in Government Polytechnic College, Gaya, and he died on 24.04.2003 while in service. It is further stated that there were outstanding dues towards the salary of his father for the period from July, 1992 to 22.04.2003.

4. It is the further case of the petitioner that he submitted a representation dated 17.05.2022 before the respondent authorities for payment of the said outstanding salary dues; however, no action was taken thereon. In the meantime, the petitioner's mother also expired on 05.08.2016, and thereafter he continued to claim the salary dues payable to his father for the aforesaid period.

5. The respondent nos. 1 to 3 filed a counter



affidavit, wherein, inter alia, it is stated that the petitioner approached this Hon'ble Court after an inordinate delay of about 20 years and since the claim of the petitioner is quite old, the relevant records pertaining to the petitioner's father were required to be verified from Government Polytechnic College, Gaya, and accordingly, some time was sought for such verification.

6. Rejoinder affidavit was filed on behalf of the petitioner to the counter affidavit filed on behalf of respondent nos. 1 and 3, wherein it is stated that the respondents have paid the arrears of salary for the period from 01.01.1992 to 22.04.2003, amounting to Rs. 6,71,715/- (Six Lakhs Seventy-One Thousand Seven Hundred Fifteen only) on 23.03.2024, i.e., after a lapse of about 21 years. It is, therefore, stated that the petitioner is entitled to get interest on the delayed payment as well as the litigation costs.

7. The learned Single Judge, in the impugned order, has been pleased to observe as follows:-

"6. In the light of the fact that the arrears of salary of the petitioner's father from 01.07.1992 to 22.04.2003 amounting to Rs. 6,71,715/- has been paid in the name of the petitioner on 23.03.2024, as indicated in the rejoinder affidavit of the petitioner and in view of



the fact that no reply to the rejoinder affidavit has been filed by the State, explaining the reason for inordinate delay in payment of the arrears of salary of the petitioner's father, this writ petition is hereby disposed of with a direction to the respondents that if the arrear salary of the petitioner's father has been paid as indicated hereinabove, the respondents shall pay an interest at the rate of 6% per annum from the date the salary of the petitioner's father was due till the date of the payment made by the respondents."

8. Learned counsel appearing on behalf of the appellants, placing reliance on the judgment of the Hon'ble Supreme Court in the case of ***Union of India & Others -Vrs.- Tarsem Singh, reported in (2008) 8 Supreme Court Cases 648,*** contends that the order of the learned Single Judge directing grant of interest for the entire period is not justified, inasmuch as the claim of the petitioner was raised belatedly, that too in the year 2022, by filing the writ petition before this Hon'ble Court.

In the case of ***Tarsem Singh (supra)***, it has been observed as follows:-

"7. To summarise, normally, a belated service related claim will be rejected on the ground of delay and laches (where remedy is sought by filing a writ petition) or limitation (where remedy is sought by an application to the Administrative Tribunal). One of the exceptions to the said rule is



cases relating to a continuing wrong. Where a service related claim is based on a continuing wrong, relief can be granted even if there is a long delay in seeking remedy, with reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury. But there is an exception to the exception. If the grievance is in respect of any order or administrative decision which related to or affected several others also, and if the reopening of the issue would affect the settled rights of third parties, then the claim will not be entertained. For example, if the issue relates to payment or refixation of pay or pension, relief may be granted in spite of delay as it does not affect the rights of third parties. But if the claim involved issues relating to seniority or promotion, etc., affecting others, delay would render the claim stale and doctrine of laches/limitation will be applied. Insofar as the consequential relief of recovery of arrears for a past period is concerned, the principles relating to recurring/successive wrongs will apply. As a consequence, the High Courts will restrict the consequential relief relating to arrears normally to a period of three years prior to the date of filing of the writ petition."

In the case of ***Rushibhai Jagdishchandra Pathak***

-Vrs.- Bhavnagar Municipal Corporation reported in (2022)

18 Supreme Court Cases 144, the Hon'ble Supreme Court has

held as follows:

"14. In Tarsem Singh (supra), the delay of 16 years in approaching the courts affected the consequential claim for arrears and thus, this Court set aside the direction to pay arrears for 16 years with interest.



The Court restricted “the relief relating to arrears to only three years before the date of writ petition, or from the date of demand to date of writ petition, whichever was lesser”. Further, the grant of interest on arrears was also denied.

*15. The aforesaid ratio in **Tarsem Singh** (supra) has been followed by this Court in State of Madhya Pradesh and Others v. Yogendra Shrivastava (reported in (2010) 12 Supreme Court Cases 538 and Asger Ibrahim Amin v. Life Insurance Corporation of India.*

*16. ... As noted above, the impugned judgment of the Division Bench accepts the said position and grants the appellants the said pay-scale but restricts the benefit from the date of the judgment of the Single Judge in the Writ Petitions filed by the appellants, that is, with effect from 31st July 2018. The Division Bench should not have taken the date of the decision/judgment of the Single Judge for grant of the said benefit in view of the decision and ratio in **Tarsem Singh** (supra) which has been followed in several other decisions. ...”*

9. The learned counsel for the respondent, however, supported the impugned order.

10. After hearing the learned counsel for the respective parties and in view of the ratio laid down in the aforesaid judgments, and considering that the writ petition was filed by the petitioner only on 03.09.2022, we deem it appropriate to modify the order of the learned Single Judge and



restrict the payment of interest to a period of thee years prior to the date of filing of writ petition.

11. Accordingly, the appellants are directed to pay interest at the rate of 6% per annum on the salary dues of the petitioner’s father, amounting to Rs. 6,71,715/- (Six Lakhs Seventy-One Thousand Seven Hundred Fifteen only), which has already been paid to the petitioner, only for the period from 03.09.2019 to 03.09.2022.

12. The Letters Patent Appeal is, accordingly, partly allowed with the aforesaid modification.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

Neha/-

AFR/NAFR	AFR
CAV DATE	N/A
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