

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13413 of 2023

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Prem Narayan Singh Son of Late Shyam Narayan Singh Resident of Vilalge-Uchauli (Naumile), Post Office- Nagariama, Police Station-Khijar Sarai, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Science and Technology, Government of Bihar, Patna.
2. The Director, Department of Science and Technology, Government of Bihar, Patna.
3. The Incharge Principal, Government Polytechnic, Gaya.
4. The District Provident Fund Officer, Gaya.
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Adv.
For the Respondent/s	:	Mr. Prem Ranjan, Adv.
For the Accountant General	:	Mr. Dr. Anand Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 29-06-2026

Heard the parties.

2. The petitioner, who superannuated from the service while working as Campus Supervisor (Class-IV Post) in Government Polytechnic, Gaya has approached this Court seeking a direction for the payment of pension and other retiral benefits, besides the difference of salary for the month of January and February, 2023, in view of enhanced Dearness Allowance and further a direction to take a decision for adjusting the service period from 23.08.2002 to 23.04.2003.

3. Learned Advocate for the petitioner, at the outset,



submits that so far the grievance with regard to the pension and other retiral benefits are concerned, the same has already been redressed. However, till date, the remaining grievance, as noted hereinabove, is still subsisting for which the petitioner is pursuing the present litigation. It is further contended that though a counter affidavit has been filed, but the present position has not been correctly depicted. It is submitted that during the pendency of the writ petition, the application submitted before the respondent In-charge Principal for regularization of his absent period from 23.08.2002 to 23.04.2003 was duly considered and finally the same was regularized by the Joint Secretary of the Department of Science and Technology under Letter No. 4460 dated 07.12.2023, the copy of the aforesaid letter has been placed on record as Annexure-5 series to the reply to the counter affidavit.

4. Despite the regularization of the period aforesaid, the petitioner has been allowed the benefits by treating the period of regularization. The petitioner has also been deprived from the difference of salary for the month of January and February, 2023, despite the enhanced Dearness Allowance given by the respondent State. Since the respondents are at fault in extending the outstanding due amount, thus the petitioner is also



entitled to get 12.5 % interest over delayed payment, as other similarly situated employee of the same polytechnic college, who had approached this Court in CWJC No. 13320 of 2023, the authority was directed to ensure payment of 12 % interest.

5. Learned Advocate for the State and the Accountant General submitted that so far the contention of the petitioner that period, in question, had already been regularized and thus, he is entitled to get benefits on account of such regularization, the same is required to be considered by the concerned authorities, in the light of the Letter No. 4460 dated 07.12.2023. However, so far the interest over the delayed amount is concerned, the same would not be applicable to the petitioner unless he will establish his case that there is complete laches on the part of the respondent authorities.

6. In view of the submissions advanced by learned Advocate for the respective parties and taking note of the fact that the period of absence from 23.08.2002 to 23.04.2003 has already been regularized from the competent authority, granting total leave of 244 days. Now the only thing which is required to be done is that the same be considered and necessary payment is to be made. Accordingly, the writ petition stands disposed off with a direction to the respondent nos. 2 and 3 to consider the



claim of the petitioner with respect to difference of salary for the month of January and February, 2023 as well as other benefits on account of regularization of the period, in question, preferably within a period of eight weeks, from the date of receipt/production of a copy of this order.

7. Suffice it to observe that the respondent authorities while allowing the admissible amount shall also consider as to whether the laches are on the part of the authorities concerned or not.

8. In case, they will find that there is laches on the part of the authorities concerned in disbursing the admissible amount, they shall also consider the case of the petitioner for extending the interest, as has been given to other identically situated person in CWJC No. 13320 of 2023.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.06.2026
Transmission Date	NA

