

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17343 of 2023

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Shailendra Kumar Gupta Son of Late Kartik Lal, Resident of Mohalla-
Vidyadhar, P.O.- Khagaria, P.S.- Khagaria, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Water Resources Department, Bihar, Patna.
2. The Upper Secretary, Water Resources Department, Bihar, Patna.
3. The Under Secretary, Water Resources Department, Bihar, Patna.
4. The Executive Engineer, Irrigation Division, Laxmipur (Jamui).
5. The Chief Engineer, Water Resources Department, Bhagalpur.
6. The Accountant General (A and E), Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Abinash Kumar, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar, AC to AAG 4
For the AG, Bihar	:	Mr. Shubham Prakash, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

9 28-07-2026 Learned counsel appearing on behalf of the petitioner informs this Court that the petitioner was appointed as Junior Engineer on 25.01.1979 and had joined the service on 06.02.1979, however, inadvertently incorrect details regarding the date of appointment of the petitioner in paragraph no.1 of the order dated 24.07.2026 has been given.

2. Considering the aforesaid submissions, the order dated 24.07.2026 is modified to the extent that the appointment date of petitioner as a Junior Engineer on 06.02.1979 is deleted and its place, the date 25.01.1979 is substituted in paragraph



no.1 of the order dated 24.07.2026. The other parts of the order shall remain intact.

3. Heard learned counsel appearing on behalf of the petitioner and learned counsel for the State.

4. The petitioner in paragraph no. 1 of the present writ petition has sought, *inter alia*, the following relief(s), which is reproduced hereinafter:-

“That this writ application is being filed for issuance of direction/directions upon the Respondent authorities for payment of admitted retiral dues which are pension, Gratuity & earned leave with stipulated interest after taking into consideration the A.C.Ps granted tot eh petitioner from time to time and also taking into consideration the admissible increments, which the petitioner was entitled to during his entire tenure of service.”

5. Mr. Amrendra Kumar, Executive Engineer, Irrigation Division, Laxmipur, Jamui is present in Court.

6. Mr. Sanjay Kumar, learned State Counsel informs this Court that all retiral dues along with statutory interest on account of delay under different heads has been paid to the petitioner.

7. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is still aggrieved for non-payment of interest under different heads on account of delay in payment and he seeks to file a detailed representation today to the Executive Engineer, Irrigation Division, Laxmipur, Jamui,



who is present in the Court, so that sympathetic consideration can be made in his case.

8. Petitioner had retired on 31.01.2014 and present writ petition was filed in the year 2023 but the main grievance of the petitioner has not been redressed. Reason being that the service book of the petitioner has been re-constructed two days back when the cause was personally taken by the Executive Engineer, Irrigation Division, Laxmipur, Jamui. The Executive Engineer is directed to forthwith meet today the Additional Chief Secretary, Irrigation Department, Government of Bihar and apprise him the development and place the plight of the petitioner regarding payment of interest on account of delay. The Additional Chief Secretary, Irrigation Department must take steps to make payment of interest under different heads on account of delay in payment, considering that the petitioner had retired in the year 2014 and is still knocking the doors of different authorities and finally was forced to file the writ petition which is pending before this Court since the year 2023. Law regarding payment of interest on account of delay under different heads is well settled by the Apex Court in cases of **State of Kerala v. M. Padmanabhan Nair** reported in (1985) 1 SCC 429 and **D.D. Tewari v. Uttar Haryana Bijli** reported in



(2014) 8 SCC 894. This Court finds that the petitioner is entitled for interest @ 18% on the said amount on account of delayed payment.

9. The Additional Chief Secretary must ensure that without getting further delay, the interest be paid to the petitioner well within a period of two weeks.

10. Personal appearance of the Officer is dispensed with.

11. The writ petition is accordingly disposed of.

(Purnendu Singh, J)

Sanjay/-

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