

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6385 of 2020

Faiyaz Ahmad, son of late Mukhtar Ahmad, resident of Mohalla - Kalali Bagh, P.S.- Dhanbad Town, District- Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Home, Govt. of Bihar.
2. The Director General of Police, Bihar Patna.
3. The Inspector General of Police, Muzafferpur, Zone Muzaffarpur.
4. The Deputy Inspector General of Police, Champaran Range Bettiah.
5. The Superintendent of Police, West Champaran Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman
For the Respondent/s : Mr. Md. Nadim Seraj (GP-5)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 21-03-2022

Heard learned counsel for the parties.

In the instant petition, petitioner has prayed for the following relief/reliefs:

“(A) For issuance of appropriate writ/ order or direction quashing the order issued under memo no. 63 (Vidhi) dated 05.05.2019 by the respondent no. 5 the superintendent of police West Champaran Bettiah by which the representation dated 04.09.2019 for payment of 12% interest, on the salary from 17.05.1996 to 30.11.1998, under the liberty given by this Hon’ble Court, has been



rejected without assigning any reasonable ground as Contained in Annexure-10 to this writ application.

(B) For issuance of appropriate writ/order or direction commanding the respondents to make payment of interest @ 12% P.a. to the petitioner on the amount Rs. 3,00,274/- the salary for the period from 17.05.1996 to 30.11.1998 which has been paid to the petitioner on 3.11.2018 after a delay of about 23 years under the order of this Hon'ble Court passed in C.W.J.C. no. 1632/2015 on 18.6.2018 as contained in Annexure-6 to this writ application.

(C) For any other relief or reliefs for which the petitioner is found entitled in the opinion of this Hon'ble Court."

Short question for consideration in the present petition is whether petitioner is entitled to interest on arrears of salary or not. The petitioner's claim was for arrears of salary during the period from 17.05.1996 to 30.11.1998. On certain allegations, he was subjected to disciplinary proceedings and it was concluded in exoneration on 29.09.2008. For the first time, petitioner submitted application/representation demanding arrears of salary for the intervening period from 17.05.1996 to 30.11.1998 in the year 2014. Due to inaction, petitioner was



compelled to approach this Court. Thereafter, arrears of salary was calculated at Rs.3,00,274/- (Rupees Three Lakh Two Hundred Seventy Four) and it was disbursed on 02.11.2018. In the meanwhile, petitioner has attained the age of superannuation and retired from service on 31.01.2015.

Per contra, learned counsel for the State resisted the petitioner's contention that petitioner is not entitled to interest on arrears of salary in the light of statement made at paragraph no.11 of the counter affidavit. Paragraph no.11 of the counter affidavit reads as under:

“That the Inspector General of Police (Headquarters), Bihar, Patna vide its Memo No. 159/420430/P.1 dated 12.04.2019 has communicated to the Superintendent of Police, West Champaran at Bettiah that under the appropriate financial manual there is no provision of payment of interest on the salary and the further Inspector General of Police (HQ) directed the Superintendent of Police, West Champaran at Bettiah mentioning therein that the representation filed by the petitioner can be rejected after passing a detailed and speaking order.”

Heard learned counsel for the respective parties.



Short question for consideration is whether petitioner is entitled to interest on arrears of salary or not. Apex Court decision in the case of *Vijay L. Mehrotra Vs. State of Uttar Pradesh and Others reported in 2001 (9) SCC 687* has held that belated settlement of arrears of salary is to be paid alongwith interest. Paragraph nos. 1 to 5 reads as under:

“1. Special leave granted, limited to the question of granting of interest.

2. The appellant retired from service on 31.08.1997. From the response filed by the respondent, it is clear that most of the payments of the retiral benefits to her were made long after she retired on 31.08.1997. The details of the payments so made are as under:

<i>Sl. No.</i>	<i>Particulars</i>	<i>Amount paid</i>	<i>Date</i>
<i>(i)</i>	<i>GPF 90%</i>	<i>Rs 1,80,899.00</i>	<i>27-11-1997</i>
<i>(ii)</i>	<i>GPF 10%</i>	<i>Rs 20,751.00</i>	<i>25-04-1998</i>
<i>(iii)</i>	<i>GIS</i>	<i>Rs 13,379.00</i>	<i>27-02-1998</i>
<i>(iv)</i>	<i>Encashment of leave</i>	<i>Rs 41,358.00</i>	<i>27-09-1998</i>
<i>(v)</i>	<i>Arrears of pay</i>	<i>Rs 15,495.00</i>	<i>27-09-1998</i>
<i>(vi)</i>	<i>Gratuity</i>	<i>Rs 1,09,753.00</i>	<i>5-12-1998</i>
<i>(vii)</i>	<i>Commuted pension</i>	<i>Rs 20,484.00</i>	<i>5-12-1998</i>
<i>(viii)</i>	<i>Detained amount</i>	<i>Rs 45,000.00</i>	<i>5-11-1999</i>

3. In case of an employee retiring after having rendered service, it is expected that all the payment of the retiral benefits should be paid on the date of retirement or



soon thereafter if for some unforeseen circumstances the payments could not be made on the date of retirement.

4. In this case, there is absolutely no reason or justification for not making the payments for months together. We, therefore, direct the respondent to pay to the appellant within 12 weeks from today simple interest at the rate of 18 per cent with effect from the date of her retirement, i.e., 31-8-1997 till the date of payments.

5. The appeal is allowed to the above extent.”

That apart, under the Payment of Interest Act, petitioner is entitled to interest on belated settlement of arrears of salary. In the present case, there is inordinate delay from the year 1998 to 2018. No doubt, the petitioner, for the first time, demanded arrears of salary on 20.08.2014 and by virtue of judicial pronouncement, petitioner was extended the arrears of amount on 02.11.2018. Having regard to the fact that the petitioner had demanded arrears of salary from 20.08.2014 and he has retired from service on 31.01.2015 and arrears was settled on 02.11.2018. The petitioner is entitled to interest @ 8% per annum on arrears of salary of Rs.3,00,274/- (Rupees Three Lakh Two Hundred Seventy Four) during the intervening period from 20.08.2014 to 02.11.2018, the same shall be calculated and



disbursed within a period of three months from the date of receipt of this order failing which petitioner is entitled to litigation cost and it is quantified at Rs.25,000/- (Rupees Twenty Five Thousand).

With the above observation, writ petition stands disposed of.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.03.2022
Transmission Date	NA

