
(2022) 02 PAT CK 0073

In the Patna High Court

Case No : Letters Patent Appeal No. 213 Of 2021 In Civil Writ Jurisdiction Case
No. 16975 Of 2017

State Of Bihar

APPELLANT

Vs

Ram Gulam

RESPONDENT

Date of Decision : 24-02-2022

Acts Referred:

Citation : (2022) 02 PAT CK 0073

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Nadim Seraj, Shailesh Kumar, Akhilesh Kumar Sinha

Final Decision : Disposed Of

Judgement

This Letters Patent Appeal is directed against the order dated 02.07.2020, passed in C.W.J.C. No.16975 of 2017, titled as Ram Gulam Vs. The State of Bihar & Ors., by a learned Single Bench of this Court.

On 17th of September, 2021, we had passed the following order:

" I.A. No. 1 of 2021

Having heard learned Counsel for the parties, we are satisfied that the delay in filing of the appeal has been sufficiently explained. The delay condonation application is allowed. The appeal shall be treated to be within time.

L.P.A. No.213 of 2021

Learned counsel for the appellant states that disciplinary action initiated against the petitioner was quashed by this Court in the year 2009. However, the criminal prosecution initiated against the writ petitioner was settled only in the year 2017. 90% of the payment towards retiral benefits stood paid to the petitioner on 12.12.2014 and the remaining 10% was paid on 25.05.2017. As such, the learned Single Judge erred in directing release of the amount along with interest quantified at the rate of 6/9%.

Notice, to be effected on the learned counsel for the writ petitioner.

List on 03.11.2021.”

The facts enumerated (supra) are not in dispute. In this view of the matter, the direction issued by the learned Single Judge awarding interest @ 6%, directing the State to pay the same within a period of four months failing which additional amount of interest @ 9%, stands quashed and set aside.

Ordered accordingly.

Appeal is disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.