

H\$

C.A.No. 954 OF 2002  
ITEM NO.111

COURT NO. 10

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO. 954 OF 2002@@  
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

NAND KISHORE PRASAD ...APPELLANT

VERSUS

STATE OF BIHAR & ORS. ...RESPONDENTS

Date : 26/03/2003 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant (s) Mr. S.Y. Diwakar, Adv.  
Mr. K. Priyadarshi, Adv.  
Mr. Praneet Ranjan, Adv.  
Mr. Upendra Mishra, Adv.

For Respondent (s) Mr. Ambhoj Kumar Sinha, Adv.  
Mr. Neeraj Shekhar, Adv.  
Mr. Manoj Kumar, Adv.

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....J  
.SP2

Heard learned counsel for the parties for 10 minutes.

The appeal is dismissed in terms of the signed order with no order as to costs.

.SP1

Sarita (Shelly Sengupta)@@  
AA  
Court Master@@  
AA

(Signed order is placed on the file)

.PA  
.PL56

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

NAND KISHORE PRASAD

...APPELLANT

VERSUS

STATE OF BIHAR & ORS.

...RESPONDENTS

O R D E R@@  
CCCCCCCC

.....L.....I.....T.....T.....T.....T.....T.....J  
.SP2

The Division Bench of the High Court agreeing with the order passed by the learned Single Judge dismissed the Letters Patent Appeal filed by the appellant herein. The learned Single Judge dismissed the Writ Petition observing that the Writ Petition is frivolous and the appellant had been paid all the pensionary dues and that his claim for interest on delayed payment was not tenable. The Division Bench of the High Court in the appeal filed by the appellant observed that admittedly all the retiral dues had been paid to the appellant, the question for grant of interest on delayed payment did not require any consideration in view of the order passed by the learned Single Judge.

The learned counsel for the appellant contended that various reliefs were claimed in the Writ Petition; learned Single Judge and the Division Bench of the High ..2/-

.PA

.2.

Court were not right in dealing with the question of interest on delayed payment of retiral benefits only. From the perusal of the impugned order it is not possible for us to take a view that any other contention was urged on behalf of the appellant. We will have to go by what is stated in the order if the contentions raised by the appellant were not considered or any error was committed in making the statement in the impugned orders either of the learned Single Judge or of the Division Bench, it was open to the appellant to seek review. On the facts, the learned Single Judge as well as the Division Bench of the High Court in their discretion refused to entertain the plea for grant of interest on delayed payment on retiral benefits. We decline to interfere with the impugned order. Hence, this appeal is dismissed, but with no order as to costs.

.SP1

.....J.  
(SHIVARAJ V. PATIL)

New Delhi,  
March 26, 2003.

.....J.  
(ARIJIT PASAYAT)