

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1913 of 1989

1. Hem Chandra Kumar (since deceased and substituted by (i) (a to e))
- (i) (a) Smt. Nirmala Devi, W/o- Late Hem Chandra Kumar
 - (b) Mr. Ashish OM, S/o- Late Hem Chandra Kumar
 - (c) Sangita Chandra
 - (d) Anjali Kumari
 - (e) Manisha Kumari, All D/o- Late Hem Chandra Kumar, All residents of Vill- Vidya Puri Ward No.18, P.S. Madhepura, Distt- Madhepura
2. Q.M. Rahman, son of Abul Qasim
3. Surya Narain Yadav, son of Sri Babujee Yadav
4. Tripurendra Labh, son of late Badri Labh
5. Dhirendra Kumar, son of Anirudh Prasad Mandal
6. Upendra Narain Yadav, S/o- Late Hari Lal Yadav
7. Surendra Prasad Singh, son of Sri Adhik Lal Singh
8. Sohail Ahmad, son of Sharifuddin Ahmad
9. Dukh Mohan Mandal, son of late Babbhan Mandal
10. Satyendra Kumar, son of Sri Jagat Mohan Narayan
11. Dr. Binod Kumar Singh, son of late Birendra Narayan Singh
12. Sri Kameshwar Prasad Singh, son of late Natho Prasad Singh
13. Baidyanath Prasad Yadav, son of Sri Sahdeo Prasad Yadav
14. Awadhesh Kumar, son of Sri O.P. Sharma
15. Dr. Lal Bihari Gupta, son of Sri Laxmi Narayan Sahu
16. Dr. Sushil Kumar Yadav, son of late Bindeshwari Prasad Yadav
17. Surendra Prasad Yadav, son of Sri Jamun Prasad Yadav
18. Raj Kumar, son of Sri Jagdish Lal Das
19. Vivekanand Verma, son of Shri Shiv Chandra Das
20. Krishna Mohan Sahay, son of Sri Bhagwan Sahai
21. Ganesh Prasad, son of Sri D.P. Yadav
22. Kameshwar Kumar, S/o- Sri Shatrughana Prasad Yadav
23. Kuldip Yadav, son of Sri Jagdish Prasad Yadav
24. Dhirendra Kumar, son of late Parmeshwari Prasad Yadav (disputed)
25. Jai Prakash Yadav, son of Sri Jai Krishna Prasad Yadav
26. Asha Jha, wife of late Surya Mohan Jha,

All Lecturers in Parwati Science College, Madhepura, Police Station- Madhepura, District- Madhepura

.... Petitioner/s

Versus

1. The State of Bihar, through the Education Secretary, Government of Bihar, Vikash Bhawan, New Secretariat, Patna
2. Lalit Narain Mishra University, through the Registrar, L.N. Mithila University, Kameshwar Nagar, Darbhanga, District- Darbhanga
3. Vice Chancellor, Lalit Narain Mithila University, Kameshwar Nagar, District- Darbhanga.
4. Principal, Parwati Science College, Madhepura, Police Station & District- Madhepura
5. B.N. Mandal University, through Registrar, Lalu Nagar, Madhepura, Distt.- Madhepura

.... Respondent/s

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Appearance :

For the Petitioner/s :	Mr. Ashok Kr. Singh, Sr. Adv. Manisha Singh, Adv.
For the Respondent/s :	Mr. Prem Ranjan, Adv. Mr. Ajay Bihari Sinha, Adv. Mr. Purnendu Kr. Singh, Adv. Mr. Raju Giri, Adv. Mr. Prabhat Kr. Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI
and
HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date: 09-09-2015

Heard Mr. Ashok Kumar Singh, learned Senior Counsel, appearing on behalf of the petitioners, and Mr. Purnendu Kumar Singh, learned Counsel for the State. Heard also Mr. Ajay Bihari Sinha, learned Counsel, appearing on behalf respondents 2 and 3, Mr. Prabhat Kumar Sinha, appearing on behalf of respondent No.4 and Mr. Raju Giri, learned Counsel, appearing on behalf of respondent No.5.

This writ application was filed in the year 1989 under Article-226 of the Constitution of India seeking direction to the respondents for payment of arrears of salary for the period ‘April, 1985 to October, 1986’ and difference of dearness allowance from 1980 to October, 1986.

No dispute has been raised on behalf of the respondent

University or the State of Bihar as regards petitioners' entitlement to the aforesaid arrears of salary and dearness allowance, direction for payment of which they have sought in the present writ application.

A supplementary counter affidavit has been filed on behalf of the respondent University stating therein that after the fund having been made available by the State of Bihar to the University, the petitioners have now been paid the entire arrears, as were found admissible to them.

Learned senior Counsel, appearing on behalf of the petitioners, does not dispute the factual position that the principal amount, which the petitioners were entitled to by way of arrears of salary, and dearness allowance have now been paid to them. He, however, submits that, indisputably, the amount remained unpaid for long period of nearly three decades, without any fault on their part. He, therefore, submits that there should be direction by this Court for payment of interest, on the amount which the petitioners were admittedly entitled to receive for the period in question. He has relied upon a Division Bench decision of this Court, reported in 2004 (1) P.L.J.R.158 (Ram Sumer Ahair Vs. Union of India & Ors.) in support of his submission that at least 12% interest *per annum* should be awarded for the delayed payment of the admitted dues.



We find substance in the submission made by the learned senior Counsel, appearing on behalf of the petitioners. There appears to be no justifiable reason available on record for delay of nearly thirty years, in making payment of arrears which the petitioners were legally entitled to receive and, therefore, in our considered view, are entitled for a direction from this Court for payment of interest at a reasonable rate on the amount which remained unpaid for all these years, from the date of institution of the writ application.

We, in the facts and circumstances of the case, and having considered the materials/pleadings on record in entirety, consider it appropriate to direct that the petitioners shall be paid interest at the rate of 7% *per annum* from the date of institution of the writ application, i.e. 15.2.1989, till the date of actual payment made to them. Such interest must be calculated by the University within a period of one month from the date of receipt/production of a copy of this order and the entire amount must be paid to them within a period two months, thereafter. It will be open to the University to request the State Government for release of fund for payment of amount of interest.

If such request is made, the State Government will be

required to promptly respond and release necessary funds to the University, for compliance of the present order.

This writ application accordingly stands allowed with the directions as above.

(I. A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

K.C.jha/-
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