

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3323 of 2013

In

Civil Writ Jurisdiction Case No. 3240 of 2007

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Darakhshan Nazam Quisher, W/O Rahman Quisher, resident of Mohalla-Mugeriganj, P.S- Begusarai, District- Begusarai, retired as Reader in the subject of Urdu from S.K. Mahila College, Begusarai, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Amarjeet Sinha, presently posted as Principal Secretary, Human Resources Development Department, Govt. of Bihar, New Secretariat, Patna.
3. Sri Dr. Samrendra Pratap Singh, presently posted as Vice- Chancellor, L.N. Mithila University And Darbhanga.
4. Sri Vijay Pd. Singh, Registrar, L.N. Mithila University Darbhanga.
5. Sri Shushil Choudhary, Finance Officer, L.N. Mithila University, Darbhanga.
6. Dr. Abdhesh Kumar Singh, Principal, S.K. Mahila College, Begusarai.

.... Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate.

For the Opp. Party/s : Mr Ajay Bihari Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 20-01-2015

Heard learned counsel for the parties.

2. A direction was given by this Court in the order dated 25.11.2010 whereby and whereunder the respondent-officials of the L.N.M. University (hereinafter referred to as 'the University'), particularly, its Vice Chancellor and the Registrar as also the Finance Officer and the Principal of the S.K.Mahila College, Begusarai were directed to make payment of the admissible amount to the petitioner within a period of six months from the date of receipt/production of a copy of this order.

3. The petitioner has produced proof of communication dated 02.02.2011 to show that such order of this Hon'ble Court

dated 25.11.2010 was communicated to the opposite parties including its Registrar on 02.02.2011. In the show cause reply, the opposite parties have taken a plea that payment to the petitioner was made on 14.01.2015 for a sum of Rs. 4,15,610/- through a cheque dated 14.01.2015 .

4. Admittedly, said amount had become payable to the petitioner in terms of the order of this Court by 2nd August 2011 because the period of six months had expired on that date. There is no explanation whatsoever for the delay over three years in implementing the directions of this Court by making payment of admissible amount to the petitioners. Thus if the opposite parties i.e. the Vice Chancellor and the Registrar, present or past, have deliberately caused the delay in making payment of the admissible amount to the petitioner, they cannot get away by only projecting the picture that the order of this Court has been now complied.

5. In that view of the matter, this Court while holding both the Vice Chancellor and the Registrar of the University guilty would take a sympathetic view by directing the present Vice Chancellor and the present Registrar to pay the amount of simple interest @ 9% per annum on the aforementioned amount of Rs. 4,15,610/- from their own pocket to the petitioner for the period of 3rd August 2011 to 14.01.2015 within a period of one month from today.

6. It will be however open for the present Vice Chancellor to recover the said amount from erring officials in proportion to the period of services rendered by the earlier Vice Chancellor and the Registrar, but then such payment to the petitioner must be made forthwith within a period of one month from today, failing which the amount of interest shall stand enhanced from 9% to 12% per annum after expiry of the period of one month.

7. When such an order has been passed, Mr. Ajay Bihari Sinha, learned counsel appearing on behalf of the University, submits that there would be now no need to keep this contempt petition pending inasmuch as the Vice Chancellor and the Registrar of the University, who are present in the Court, have undertaken to pay the amount of interest to the petitioner from their own pocket within a period of one month from today.

8. That being so, this contempt petition is disposed of with a liberty to the petitioner to bring to the notice of this Court, if payment of interest, as directed, is not paid to him within a period of one month.

9. The personal appearance of Mr. Saket Kushwaha, Vice Chancellor and Mr. Ajit Kumar Singh, Registrar is accordingly dispensed with.

Sujit/-

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(Mihir Kumar Jha, J)