

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11470 of 2011

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Shree Bhadra Jha Son of late Nand Kishore Jha, Village-Rewari, P.S-
Anghar Ghat, District-Samastipur.

.... Petitioner/s

Versus

1. Lalit Narain Mithila University, Kameshwar Nagar, Darbhanga.
2. The Vice Chancellor, Lalit Narain Mithila University, Kameshwar Nagar, Darbhanga.
3. The Registrar, Lalit Narain Mithila University, Kameshwar Nagar, Darbhanga.
4. The Finance Officer, Lalit Narain Mithila University, Kameshwar Nagar, Darbhanga.
5. The Principal, Samastipur College, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

9 14-08-2015

Learned counsel for the parties are present.

The petitioner has moved the Court for payment of interest on post retiral benefits for the period August, 2000 to July, 2009.

Learned counsel for the petitioner submits that despite the petitioner having superannuated in the year 2000, the authorities concerned were neither furnishing him with the papers required for completing the formalities for grant of his pensionary benefits nor the University was acting on its own by taking action against the concerned college authorities for not furnishing the petitioner with the required papers. It is submitted that the petitioner finally had to file a representation before the Registrar of the University in the year



2000 disclosing his plight and the lack of cooperation and rather the harassment faced by him from various college authorities resulting in the situation where he had not got any post retiral benefits. It is submitted that only thereafter some progress was made in the matter and finally the petitioner was able to get his part dues amounting to Rs. 12,62,424/- in the year 2009 and the remaining payment of Rs. 6,41,318/- in February, 2015. It is submitted that the authorities have to take responsibility for the delay and interest should be awarded on the delayed payment.

Learned counsel for the University on the other hand contested the claim of the petitioner for interest. He submits that the petitioner was called upon in the year 2003 by the University to submit certain documents which was finally submitted by him in early 2004 and thereafter all his dues have been finalized. It is submitted that there is contributory lapses on the part of the petitioner also. Moreover, he points out to the fact that there was shortage of funds and further that the UGC scale, though made effective with effect from 01.01.1996, but the same was actually released by the State Government only from the financial year 2003-04.

On hearing learned counsel for the parties and considering the facts and circumstances of the case, this Court feels that the petitioner has been able to make a case for



award of interest. The plea of the University that certain documents were required is not convincing from the pleadings on record which clearly shows that majority of the same were documents which were supposed to be granted by the colleges concerned which being directly under the administrative control of the University could have been obtained by them and shifting the onus on the petitioner to obtain those was misplaced. Further, the petitioner had also written to the Registrar of the University in the year 2003 that he was not being given the required papers by the Principal and thus was unable to furnish the same.

Be that as it may, this Court in view of the decision of the Hon'ble Supreme Court in the case of **D.D. Tewari v. Uttar Haryana Bijli Vitran Nigam Ltd.** reported in **(2014) 8 SCC 894**, directs that the University shall pay interest @ 9% per annum to the petitioner on the delayed payment from the day it became due till the time the same were paid. However, if with regard to certain heads the fund was released late by the State Government to the University, the interest shall run from the date of release of the fund till the time of payment. The Court makes it clear that the University may recover the amount of interest which is paid to the petitioner in the present case from the Principals/other Officers of the concerned colleges which were required to furnish/counter sign various documents and complete the

formalities required for actual payment of all pensionary benefits to the petitioner.

The aforesaid exercise be completed within a period of three months from the date of production of a copy of this order upon the respondents no. 3 and 4, failing which the interest payable shall be @ 12% per annum.

The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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