

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 15934 of 2012

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Prof. Rafia Sultana Rizwi, Wife of Sohail Ahmad C/o Dr. Sachida Nand Prasad Sinha, Retd. Prof. Political Science, LND College, Motihari, Mohalla- Belbanwa, P.O. and Police Station- Motihari Town, District- East Champaran.

.... Petitioner/s

Versus

1. The B.R. Ambedkar Bihar University through its Vice Chancellor, at & P.O. Muzaffarpur.
2. The Vice Chancellor, B.R. Ambedkar Bihar University, at & P.O. Muzaffarpur.
3. The Registrar, B.R. Ambedkar Bihar University, at & P.O. Muzaffarpur.
4. The Principal L.N.D. College, Motihari, at & P.O.- Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/ : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 29-10-2015

Heard learned counsel for the parties.

Learned counsel for the petitioner submits that she superannuated on 31.10.2004 after putting in 27 years of service and when retiral dues were not paid, she was forced to move the Court in C.W.J.C. No. 571 of 2011, which was disposed off on 13.01.2011 with liberty to the petitioner to file detailed representation before the Vice Chancellor of the University to pass appropriate order for redressing all the grievances of the petitioner within a period of three months. It is submitted that only after filing of such representation, the remaining dues of the petitioner were finally paid to her in October, 2011. Learned counsel submits that the amount having been paid after seven years entitles her for payment of interest. It is submitted that the Hon'ble Supreme Court under similar circumstances in the case of **D.D. Tewari v. Uttar Haryana Bijli Vitran Nigam Ltd.**

reported in **(2014) 8 SCC 894** has granted interest even though the payment was made only after four years.

Learned counsel for the University submits that due to paucity of fund, the amount could not be paid.

Learned counsel for the petitioner submits that the grant released by the State from time to time by way of lump sum amount is sufficient to meet the requirement of payment to the petitioner and thus the excuse of shortage of fund cannot be a ground to make delayed payment to the petitioner and also for opposing paying interest on the delayed payment.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the contentions of learned counsel for the petitioner and accordingly, relying upon the judgment passed by the Hon'ble Supreme Court in the case of **D.D. Tewari** (supra), the writ petition stands disposed off with a direction to the respondents to pay interest at the rate of 9% per annum on delayed payment from the date it became due till the date of actual payment within three months from the date of production of a copy of this order before the respondent no. 3, failing which interest at the rate of 18% per annum shall be paid to the petitioner.

(Ahsanuddin Amanullah, J.)

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