

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.760 of 2016
IN
Civil Writ Jurisdiction Case No. 3973 of 2015**

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Kailash Prasad Agrawal, son of Late Balmukund Agrawal R/o Mohalla- Raj Kumar Ganj, P.S.- Town Darbhanga, District- Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Higher Education, Government of Bihar, Patna.
2. The Vice Chancellor of LNM University, Darbhanga.
3. The Registrar of LNM University, Darbhanga.
4. The Finance Officer, LNM University, Darbhanga.
5. The Principal, C.M. College, Darbhanga.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar Bhagat
For the State : Mr. Samir Kumar
For the University : Mr. Nadim Seraj

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 04-10-2017

Seeking exception to an order dated 24.03.2015 passed by the learned Writ Court in CWJC No. 3973 of 2015 this appeal under Clause 10 of the Letters Patent has been filed.

The petitioner-appellant had filed the writ petition and the relief claimed by the petitioner was to pay his entire retrial dues and various other monetary claims. The learned Writ Court examined the matter and found that the petitioner after his retirement on 30th September, 2013 has raised the following claims:-



- (a) Payment of salary for certain period to the petitioner along with other employees of the University who were said to have been on strike in the year 2000.
- (b) Payment of increment to the petitioner with effect from 1998 instead of the same being granted with effect from 2005 on account of the petitioner having been acquired Ph.D. qualification; and
- (c) The third claim was with regard to settlement of interest payable to the petitioner on the amount of group insurance @ 12%.

As far as the claims as per (a) and (b) are concerned, the learned Writ Court found that the cause of action on those accounts accrued in the year 2000 and 1998 respectively. Those two claims now filed after retirement of the petitioner in the year 2013 is unsustainable and placing reliance on a judgment of the Supreme Court in the case of ***Union of India vs Tarsen Singh [(2008) 8 SCC 648]*** dismissed the claim by holding that merely by making representation the claim after such a lapse of time cannot be entertained.

As far as the payment of interest on the amount of group insurance is concerned, the petitioner has been granted liberty to raise his claim before the competent authority and the competent



authority was directed to pay the balance amount within three months taking note of all the factors. As far as claim nos. (a) and (b) are concerned they are belated and in rejecting the same we are in considered view that the learned Writ Court has not committed any error. As far as the payment of interest on group insurance is concerned, the matter has been remitted back to the competent authority for consideration and, therefore, at this stage with regard to the said claim no indulgence is required.

Accordingly, in the facts and circumstances of the case, finding no indulgence be made in this matter, the appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl

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