

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2252 of 2017

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1. Udai Shankar Prasad, S/o Late Ramsharan Prasad, Resident of Kotwali Chowk,
(Naka No.5), Town, Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,
Government of Bihar, New Secretariat, Patna.
2. The Vice Chancellor, L.N. Mithila University, Darbhanga.
3. The Registrar, L.N. Mithila University, Darbhanga.
4. The Finance Officer, L.N. Mithila University, Darbhanga.
5. The Principal C.M. Law College Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amarendra Narayan, Adv. Mr. Deepak Kumar, Adv.
For the State	:	Mr. H. S. Roy, A.C. to A.G.
For the LNMU	:	Mrs. Binita Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 21-03-2018

Heard learned counsel for the petitioner, counsel appearing on
behalf of the University.

Learned counsel for the petitioner submitted that revised pay-
scale was granted to the part time lecturer working in the C.M. Law
College, Darbhanga with effect from 01.01.1996, pursuant to the
decision of the State Government dated 25th March, 2006 but the
petitioner superannuated on 31.01.1998, i.e., before the issuance of
the Notification granting the benefit of the pay revision.

Petitioner has filed present writ application raising a grievance
that the respondents have not paid the benefits of revision of pay for



the period 01.01.1996 to 31.1.1998 when the petitioner was superannuated.

Learned counsel appearing on behalf of the respondent submits that the petitioner would be paid arrears of salary for the period 01.01.96 to 31.01.98. Respondents have filed counter affidavit in which they have calculated the entitlement of the arrears of revised pay from 01.01.96 to 31.01.98 as Rs.1,45,000/- and gave undertaking that the same shall be paid within a period of four months. Learned counsel for the petitioner dispute the calculation.

There is no dispute that the petitioner has received salary at the rate of Rs.2200/- per month for the aforesaid period, therefore, the difference of the revised pay for the period 01.01.96 to 31.01.98 has to be countered at the rate of Rs.6800/- per month. Counsel for the petitioner placed reliance on the petitioner's calculation and submits that the petitioner's claim has not been properly calculated by the respondents. He further submits that for the delayed payment, petitioner is entitled to payment of interest.

Considering the totality of the facts situation when the petitioner has filed the present writ application after more than 10 years of the Notification dated 25.03.2006 with regard to the arrear of 01.01.96 to 31.01.98, the Court does not find the present is a fit case where the interest is to be paid to the petitioner, however, in case the



payment is not made to the petitioner within a period of four months, entire arrear will carry interest @ 9 percent from the date of superannuation, i.e., 31.01.98 till the date of actual payment.

So far calculation part is concerned, if the petitioner is aggrieved by the error in calculation, he may file appropriate representation before the University indicating therein the error in the calculation. In case such representation is filed, the respondent-University is required to address the grievance by reasoned speaking order within a maximum period of two months from the date of filing such representation.

With the above observation, this writ application is disposed of.

(Anil Kumar Upadhyay, J)

Sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

