

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16924 of 2017

=====

Lallan Prasad Singh, son of Late Nand Kishore Singh, resident of Village and P.O. Hasna, P.S. Bochaha, District- Muzaffarpur, the retired Assistant Registrar of Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Secretary, Department of Higher Education, Government of Bihar, Patna.
4. The Director, Higher Education, Government of Bihar, Patna.
5. The Vice Chancellor, Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur.
6. The Registrar, Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur.
7. The Finance Officer, Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate

For the State : Mr. Rajeev Ranjan, AC to GP 20

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 31-01-2018

Heard learned counsel for the petitioner; State and B. R.

A. Bihar University (hereinafter referred to as the 'University').

2. The petitioner has moved the Court for interest on delayed payment in light of the observation made by the co-ordinate Bench earlier in C.W.J.C. No. 11146 of 2012.

3. Learned counsel for the petitioner submitted that despite there being categorical direction of the Court to consider the



grievance of the petitioner, which was primarily with regard to him being granted promotion and thereafter to pay the legitimate arrears of salary including revision of pension within a maximum period of four months from the date of receipt/production of a copy of the order, failing which liberty was given that the petitioner shall be entitled to raise his claim for interest. It appears that finally the petitioner was granted promotion in July, 2016 and thereafter payment has been made to him within a reasonable period. Learned counsel submitted that copy of the order was served on 16.07.2012. Thus, he contended that the matter which had to be finally decided by 15th November, 2012, the same has been done after more than three and half years, and thus, the petitioner is entitled to interest.

4. Learned counsel for the University fairly accepted that there has been delay and non-conformity of the time fixed by the Court earlier, but submitted that the same was attributable to procedural delay, including various directions received from the Hon'ble Chancellor, followed by the Selection Committee constituted and the recommendation finally being accepted by the Vice Chancellor. However, on a direct query of the Court as to why matters were not expedited in view of there being specific direction of the Court, no explanation or reason was forthcoming.

5. Having considered the matter, the Court is inclined to



interfere in the matter, moreso in view of there being a specific direction to consider the matter within four months on the one hand and on the other hand the Court observing that upon failure the petitioner shall be entitled to raise claim for interest. In the present facts and circumstances of the case, the Court has not been shown any reasonable or justifiable cause for such delayed consideration and payment to the petitioner.

6. Accordingly, the writ petition stands allowed. The petitioner is held entitled to payment of 6% simple interest on the amount with effect from 16.11.2012 till the date of actual payment, which shall be paid to him within two months from the date of production of a copy of this order before the respondents no. 6 and 7.

7. It is made clear that the interest would be only on the component which is covered in the earlier order of the Court and which has been paid in the year 2016.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	

