

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8500 of 2017

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Dr. Ram Lal Saha @ Ram Lal Shah Son of Late Sheo Shankar Saha @ Late Sheo Shankar Shah, Resident of Moh.- Raj Colony, Civil Lines, P.O. and P.S. Sasaram, District-Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Patna Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Higher Education Government of Bihar, Patna.
4. The Vice Chancellor, Magadh University, Bodh Gaya.
5. The Registrar, Magadh University, Bodh Gaya.
6. The Vice Chancellor, Veer Kuwanr Singh University, Ara at Bhojpur.
7. The Registrar, Veer Kuwanr Singh University, Ara at Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.
For the V.K.S.U.	:	Mr. Sayed Firoz Raza, Advocate
For the M.U.	:	Mr. Priyank Deepak, Advocate
For the State	:	Mr. Rajeev Ranjan, A.C. to G.P. 20

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 11-07-2018

Heard learned counsel for the petitioner; State; Veer
Kunwar Singh University and Magadh University.

2. Second supplementary counter affidavit has been filed
on behalf of Veer Kunwar Singh University indicating that further
leave encashment for 83 days amounting to Rs. 1,06,169/- has been
paid on 20.04.2018 and with regard to arrears of salary etc., an
amount of Rs. 98,960/-, as was claimed by the petitioner, has also
been sent to the Principal of S.P. Jain College, Sasaram for payment.

3. The petitioner superannuated from Veer Kunwar Singh



University and accordingly payments were required to be made by it. However, during the pendency of the writ petition, all the admitted dues of the petitioner have been either sanctioned or paid. With regard to the dues relating to arrear of salary etc., the period is when he was in service in the early 1990's. Though the amount has been sent to the Principal of the college for payment yesterday, learned counsel for the petitioner submitted that the same has not been credited into his account. Obviously, when yesterday the amount has been sent to the Principal of the College, the same cannot be transferred into the account of the petitioner today.

4. Be that as it may, the authorities are directed to ensure that such payment is credited into the account of the petitioner latest within two weeks from today.

5. With regard to payment of the remaining 83 days of Earned Leave, the Court finds that there was no justification in non payment of such dues for more than 12 years. As the same has been paid only in April, 2018, relying on the decision of the Hon'ble Supreme Court in the case of **D.D. Tewari v. Uttar Haryana Bijli Vitran Nigam Ltd.** reported as **(2014) 8 SCC 894**, the Court deems it appropriate to award 9% simple interest on the amount which was due and payable to the petitioner on account of Earned Leave from the date it was due till the time of payment. The same be paid to the



petitioner within four weeks from the date of production of a copy of this order before the Registrar of Veer Kunwar Singh University. As the cause of action for arrears of salary arose in the early 1990's when the petitioner was in service, he should have approached the Court within a reasonable period of time, which he has not done. Further, as the writ petition has been filed in the year 2017, i.e., after more than two and a half decades and such due is not a retiral benefit, the Court is not inclined to award interest on such payment.

6. The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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