

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9126 of 2018

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Hemant Kumar Jha, Son of Jaidev Jha, resident of Khutan Tola, Manjhaul, Post
Office+ Police Station- Manjhaul, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Education Department.
2. The Vice Chancellor, Lalit Narayan Mithila University, (L.N.M.U.),
Darbhanga.
3. The Registrar, Lalit Narayan Mithila University (L.N.M.U), Darbhanga.
4. The Finance Officer, Lalit Narayan Mithila University (L.N.M.U.), Darbhanga.
5. The Principal, D.B.K.N. College, Narhan, District- Samastipur (Under Lalit
Narayan Mithila University (L.N.M.U.), Darbhanga.
6. The Principal, R.C.S. College, Manjhaul, District- Begusarai, Lalit Narayan
Mithila University, (L.N.M.U.), Darbhanga.
7. The Chancellor of the University through the Principal Secretary.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the University : Dr. Anshuman, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 25-10-2018

Heard learned counsel for the petitioner; State and L.N.

Mithila University (hereinafter referred to as the ‘University’).

2. The petitioner has moved the Court for the following
reliefs:

*“(I) To issue a writ of mandamus
commanding the respondents to pay the order all the
remaining retiral benefit of the petitioner’s dead*



father Late Dr. Jaidev Jha who had been retired from his service vide dated 31.12.1997 from the post of Head of Department of Hindi Language & Literature R.C.S. College, Manjhaul, District-Begusarai (Respondent No. 6). He had spent here his service career from 01.01.1996 to 31.12.1997. Many retiral benefits are still pending before the Mithila University which is following:-

(i) Payment of difference pay scale amount from 1981 to 01.01.1986.

(ii) Newly accepted new Pay Scale of Rs. 14,940/- (fourteen thousand nine hundred and forty rupees) accepted by the Government of Bihar as well as respondents University from the date of 01.01.1996. Accordingly difference payment amount has not been paid till date from to 31.12.1997 (24 months).

(iii) Accordingly to new pay scale of Rs. 14,940/- (Fourteen thousand nine hundred forty rupees) difference money vide cheque no. 712095 of Punjab National Bank in the name of petitioner vide latter no. 2958/16, 05.09.2016 without interest Rs. 5,04,174/- accordingly to new pay scale pension has been paid from 01.01.1998 to till death dated 15.06.2010 which should be paid but with 10% interest which has noted by amending according to accepted above said new pay scale.

(iv) According to above said new pay scale gratuity and E.L. (Earn Leave) should be revised and difference amount should be paid which is pending before the Respondents University.

(v) From 01.04.2007 difference amount of revised pension should be paid.

(vi) And other various pending amount should be paid.

All the above said pending amount should be paid with 10% per cent interest.

(II) To pay other relief or reliefs which petitioner is entitled?"

3. Earlier, the petitioner had moved the Court for the same relief in C.W.J.C. No. 18230 of 2009, which was disposed off



by a common order on 23.12.2009, giving liberty to the petitioner to file a representation and directing to the authorities to dispose off the same expeditiously within a period of four months. It appears that pursuant to such direction, the petitioner was called upon to submit relevant papers, including succession certificate, which he did on 20.03.2015. Thereafter payments have been made.

4. It is an admitted position that all admitted dues of the petitioner have been paid. Learned counsel for the petitioner prayed for payment of interest.

5. On a specific query of the Court to learned counsel for the University with regard to delay, the only stand is that there was some misconception. The Court finds that such stand cannot be accepted as *bona fide* as the same has resulted in loss to the petitioner.

6. Thus, the Court finds that the petitioner is entitled to 6% simple interest on the amount paid to him. However, as the formalities were completed by the petitioner only on 20.03.2015, the amount paid to him shall bear the aforesaid interest from 20.03.2015 till the date of actual payment. The same be paid to the petitioner within one month from the date of production of a copy of this order before the Registrar of the University.

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



8. In the event, the amount is not paid, the same shall carry interest at the rate of 9% for the period exceeding the time fixed by the Court for making such payment. However, such excess amount shall be recovered from the officers of the University due to whom such delay is caused in making payment.

(Ahsanuddin Amanullah, J.)

P. Kumar

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