

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4941 of 2017

=====

Dr. Md. Zaki Ahmad, Son of Late Md. Zainulabedin, Resident of House No. 175,
Belbanva Near Emmanuel School, P.O. & P.S. Motihari, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Department, Higher Education,
Government of Bihar, New Secretariat, Patna.
3. The Chancellor, University of Bihar, Raj Bhawan, Patna.
4. The Vice Chancellor, Bhim Rao Ambedkar Bihar University, Muzaffarpur.
5. The Registrar, Bhim Rao Ambedkar Bihar University, Muzaffarpur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Devi Das Srivastava, Advocate
For the State	:	Mr. Madhaw Prasad Yadav, G.P. 23
		Ms. Meera Singh, A.C. to G.P. 23
For the University	:	Mr. Mrigank Mauli, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 07-05-2018

Heard learned counsel for the petitioner and B.R.A.

Bihar University (hereinafter after referred to as the ‘University’).

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

“(i) For issuance of writ in the nature of mandamus directing and commanding the respondents to pay the post Retirement benefits such as gratuity, leave encashment and arrears of difference in revised pension and salary to the petitioner who was posted as an Associate Professor in the Department of Physics in M.S. College, Motihari and retired from the said place of posting on 30-4-2015.

(ii) For issuance of writ in the nature of mandamus directing and commanding the respondents to pay interest on delay payment of the said benefits.



(iii) To grant any other relief or reliefs under which the petitioner is found entitled to in the facts and circumstances of the case.”

3. It appears that during the pendency of the writ petition, payments have been made in March, 2018 i.e., almost after three years of the same becoming due.

4. Learned counsel for the petitioner submitted that the petitioner is entitled to interest over the same as retiral benefits are not a bounty but are valuable rights and property in the hands of the employee and delay in settlement and disbursement will entail payment of interest. For such proposition, he relied upon a 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** and also a decision of this Court in the case of **Shio Kumar Chaubey vs. State of Bihar** reported as **(2018) 2 PLJR 260**.

5. On a direct query to learned counsel for the University as to what justifiable reason was there for such late payment, he was not able to justify the delay. On a further query as to whether any contributory laches were there on the part of the petitioner, he was also not able to point out any such factor.

6. Having regard to the aforesaid and the decisions relied upon by learned counsel for the petitioner, relating to payment of interest on delayed payment, the Court is inclined to award 6%



simple interest on the delayed payments from the date such payments became due till the date actual payment was made. The same be paid to the petitioner, within four weeks from the date of production of a copy of this order before the respondent no. 5.

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

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	

