

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 14134 of 2017

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Baleshwar Ojha, S/o- Dev Dhari Ojha, Resident of Village & P.O.- Khabra, P.S.-
Sadar, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Higher Education, Bihar, Patna.
4. Bhim Rao Ambedkar Bihar University, Muzaffarpur through its Registrar.
5. The Vice Chancellor, Bhim Rao Ambedkar Bihar University, Muzaffarpur.
6. The Registrar, Bhim Rao Ambedkar Bihar University, Muzaffarpur.
7. The Principal, R.D.S. College, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Parasmani, Advocate
For the State	:	Mr. Umesh Narayan Dubey, A.C. to G.P. 27
For the B.R.A. Bihar University	:	Mr. Priyank Deepak, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 20-06-2018

Heard learned counsel for the petitioner; State and
B.R.A. Bihar University (hereinafter refereed to as the 'University').

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

*“That this is an application for issuance of
a writ in the nature of certiorari to quash the letter
no. 1455 dated 21.10.2014 issued under the
signature of Director, Higher Education, Govt. of
Bihar, Patna and also to quash the letter no.
legal/64 dated 30.09.2015 issued under the
signature of the Vice Chancellor of Bhim Rao
Ambedkar Bihar University, Muzaffarpur by which
it has been held that the University is unable to pay
the claim of interest payment on paid amount to the
petitioner and further for issuance as a*



consequential writ in the nature of mandamus directing and commanding the respondent authorities to make payment of due amount of interest on the delayed payment of admissible amount paid to the petitioner and/or for issuance any other writ/writs, order/orders, direction/directions which seem just and equitable in the facts and circumstances of the case.”

3. The claim of the petitioner in the present writ application is only for interest over and above what he has received, on account of delayed payment of his dues. He has also placed reliance on a decision of a co-ordinate Bench of this Court in C.W.J.C. No. 7375 of 2006 and analogous cases dated 03.03.2008, in which the Court had observed that the respondent authority will consider paying additional 5% interest on account of delayed payment if pension has remained unpaid for a longer time.

4. When payments were made to the petitioner in terms of the order but without further 5% interest, he had moved the Court in M.J.C. No. 2897 of 2008, which was disposed off by order dated 13.02.2012, with liberty to the petitioner to file a representation before the authorities who were directed to consider it in accordance with law. The authorities having considered such representation have rejected the claim by the impugned order.

5. Learned counsel for the petitioner submitted that he is entitled to further payment of Rs. 4,47,723/-, on account of



additional interest payable due to delay in such payment. It was further submitted that the authorities have wrongly rejected the claim only on the ground that there is no provision for payment of such interest.

6. Learned counsel for the State submitted that they have released the fund in time to the University and, thus, they cannot be saddled with any additional interest.

7. Learned counsel for the University submitted that as it has no fund of its own, on refusal by the State Government, it is not in a position to pay any interest.

8. Having considered the matter, the Court finds that the petitioner had again moved the Court in contempt in M.J.C. No. 4597 of 2012, which was disposed off by order dated 28.02.2017 giving liberty to the petitioner to avail such remedy as was available to him in accordance with law for redressal of his grievances.

9. The Court has also gone through the claim raised by the petitioner for interest, copy of which is part of Annexure-6. Perusal of the same discloses that the same has been calculated in a totally arbitrary manner. The decision of the State Government itself came in the year 2005, which entitled the petitioner to further payment which he has got and, thus, the same could in no way carry interest right from the year 1996, as admissibility itself came in the



year 2005. Further, from the chart, it transpires that though the Court in the earlier order had observed that 5% interest may be paid, as per the calculation made, 9% compound interest on D.D.A. and 12.5% on Group Insurance has been calculated. Moreover, with regard to interest on pension and gratuity, only an amount is mentioned without any calculation.

10. The Court is surprised as to how the University has accepted such claim, which is totally in the teeth of the observation of the Court and also against any known statutory provision. The Court had only observed for payment of interest at the rate of 5%, whereas interest at the rate of 9% compound interest on D.D.A. and 12.5% on Group Insurance has been shown in the chart and further, at the cost of repetition, the interest has been calculated right from 01.01.1996. This may also be indicative of collusion between the petitioner and the University authorities. However, even the order of the Court dated 03.03.2008 indicates that the observation was that if pension has remained unpaid for a longer time, additional 5% interest be paid to the petitioner. The same being limited only to pension, the payment under other heads automatically stands excluded. Even otherwise, by the own showing of the petitioner and the University, interest of pension has been shown only as Rs. 14, 224/-. Thus, for such an amount, the Court does not feel that there is



any requirement for any direction to pay the same as the Court finds that the calculation is totally arbitrary and unjustified and the payment of Rs. 4,47,723/-, is totally untenable.

11. For the reasons aforesaid the Court does not feel inclined to interfere in the matter and accordingly, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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