

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 992 of 2018
Arising out of
Civil Writ Jurisdiction Case No. 3433 of 2015

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Kishor Prasad Son of Late Shyam Bahadur Prasad, Resident of Flat No. 201,
Block- A, Jagmano Shree Apartment, Ara Garden Road, Bailey Road, P.O-
B.V. College, P.S - Rupaspur, Town & District- Patna-14.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Human Resources Development, Government of Bihar, Patna.
2. Tilka Manjhi Bahagalpur University, Bhagalpur through its Registrar, P.S- Kotwali, (Vishwavidyalaya), Town & District - Bhagalpur – 7.
3. The Vice-Chancellor, T.M. Bhagalpur University, Bhagalpur, P.S- Kotwali (Vishwavidyalaya), Town & District- Bhagalpur -7.
4. The Registrar, T.M. Bhagalpur University, Bhagalpur through its registrar, P.S- Kotwali (Vishwavidyalaya), Town & District - Bhagalpur -7.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nikki Singh, Advocates
For the State	:	Mr. Ram Vinay Prasad Singh, AC to GA 12
For the University	:	Mr. Ashhar Mustafa, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN

AMANULLAH

ORAL JUDGMENT

Date : 04-09-2019

Heard learned counsel for the petitioner and learned AC
to GA 12 for the State. Nobody appears on behalf of T M
Bhagalpur University (hereinafter referred to as the ‘University’).



2. The petitioner has filed the case for recall of the order dated 15.03.2018 passed in CWJC No. 3433 of 2015.

3. By the said order, the Court had recorded the submission of learned counsel for the University that Rs. 48,127/- which was due to the petitioner has been paid and in such background, the application had been disposed off as nobody had appeared on that day.

4. From the pleadings and materials on record, it transpires that earlier the petitioner had moved the Court in CWJC No. 15350 of 2013 in which the following order was passed:

“In view of the same, the only amount which is required to be paid now is Rs. 48,127/-, which will be paid in the next financial year after the money is released by the State Government in this regard. Merely because there are high sounding principles, which have been quoted in the writ application and also series of decisions which are unnecessary and irrelevant in context of this writ application, it does not become a case that an exemplary order of compensation is required to be issued on the respondent-university- authorities.

Writ application is dismissed without a direction upon the respondent-university-authorities to ensure payment as indicated in the counter affidavit in the next financial year.”

5. The petitioner being aggrieved filed LPA No. 203 of 2015, which was dismissed on 21.08.2017 in the following terms:

“We find that that all these judgments will not apply in this case. Once in LPA No. 28 of 2008, the only direction issued was to settle the pensionary claim of the appellant, the appellant at



best could claim interest on the delayed payment and settlement of pensionary claim and nothing more. In the matter of pensionary claim to the legal heir of a deceased employee, we are not inclined to grant any damages or compensation on account of the fact that there was delay in settling the claim. The delay may entitled the legal heir to claim interest on the amounts but no damages or compensation.

Accordingly, we are of the view that the learned Writ Court has not committed any error by rejecting the claim of the petitioner.”

6. Having regard to the aforesaid, the Court finds that the petitioner was only required to be paid Rs. 48,127/- and the Court had refused to grant any compensation or damages for delay in settling of the claim in view of the fact that the pensionary claim to the legal heir of the deceased employee was the issue.

7. Learned counsel for the petitioner submitted that he is entitled to interest on delayed payment.

8. Though, the Court had observed that the legal heir may be entitled to claim interest on the amount, but in view of the fact that the Division Bench has also opined that in the matter of pensionary claim to the legal heir of the deceased employee, the Court was not inclined to grant any damages or compensation for delay in settling the claim, this Court finds that no valid ground exists for such payment as the main beneficiary is already dead.

9. In the aforesaid background, there is no occasion to recall the order dated 15.03.2018 passed in CWJC No. 3433 of



2015, moreso when receipt of Rs. 48,127/- is not denied by learned counsel for the petitioner.

10. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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