

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8815 of 2019

Dr. Kedar Nath Kumar Kant, aged about 69 years, Gender-Male S/o Late Musan Kunwar Permanent resident of Village- Shahbajpur, P.O.- Ghataho, P.S.- Dalsinghsarai, District- Samastipur, presently residing at - Phulwaria, P.O.- Varosi, District- Begusarai, retired as Associate Professor in the Subject of Hindi, A.P.S.M. College, Barauni, District - Begusarai

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna
2. The Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna
3. The Vice Chancellor Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga
4. The Registrar Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga
5. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga
6. The Principal A.P.S.M. College, Barauni, Distt.- Begusarai

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Shashi Bhushan Singh, Advocate
For the Respondents	:	Mr. Madanjeet Kumar (GP20)
For the University	:	Ms. Alka Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 26-08-2020 During the pendency of the writ petition, the petitioner died and as such, a substitution petition (I.A. No. 01/2020) has been filed on behalf of the legal heir of the petitioner.

For the reasons stated in I.A. No. 01/2020, the substitution petition is allowed. Let the name of the petitioner be expunged and in his place, the name of substituted heir, namely,



Sudha Devi widow of Dr. Kedar Nath Kumar Kant be substituted.

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the respondents.

The present writ petition has been filed by the original petitioner for payment of post retiral benefits of the husband of the petitioner.

The husband of the substituted petitioner superannuated on 31.01.2015.

Mr. Shashi Bhushan Singh, learned counsel for the petitioner with reference to the order dated 24.01.2018 passed in CWJC No. 8700 of 2017, submits that the respondents are under obligation to provide 12.5% compound interest on the amount of earned leave and group insurance in the light of the judgment of this Court in the case of ***Prof. Surendra Bahadur Singh Vs. The State of Bihar & others*** reported in 2006(4)PLJR 369.

Since the husband of the substituted petitioner retired on 31.01.2015, the respondents are directed to ensure payment of all post retiral dues of late husband of the petitioner, if not already paid, at the earliest preferably within a period of three months from the date of receipt of receipt of a copy of this order



along with a detailed calculation chart. In the matter of payment of amount of group insurance, respondent-University shall follow the judgment of this Court reported in the case of ***Prof. Surendra Bahadur Singh Vs. The State of Bihar & others (supra)***. If there is delay on the part of the respondent in making payment of post retiral benefits, the substituted petitioner shall be entitled to interest at the rate of 9 % per annum from the date the husband of the petitioner retired.

With the aforesaid, the present writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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