

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11651 of 2019

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Arun Kumar Son of Late Sri Ramdeo Singh R/o Village-Laljee Tola, P.S.
Gandhi Maidan, District-Patna

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources, Govt. of Bihar, Patna
2. The Vice Chancellor Magadh University, Bodh Gaya, District-Gaya
3. The Registrar Magadh University, Bodh Gaya, District-Gaya
4. The Vice-Chancellor of Patliputra University Near Rajendra Nagar Over Bridge, District-Patna
5. The Registrar of Patliputra University Near Rajendra Nagar Over Bridge, District Patna
6. Principal College of Commerce, Old Bypass, Kankarbagh, District-Patna a constituent unit of Magadh University now also a constituent unit of Patliputra University
7. Professor-in-Charge Law Department, College of Commerce, Patna

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Chandra Bhushan Singh
For the Respondent/s : Smt.Binita Singh (Sc28)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 06-07-2020 Following is the relief, which the petitioner is seeking : -

“(i) For issuance of an appropriate writ/order or direction to respondent for immediate releasing total Rs.33,64,800/- (Thirty three lacks, sixty four thousand and eight hundreds only) of dues with interest of 18% either of revised pay scale time to time or difference of money on pay fixation against the work done as part time, Lecturer in Law Department, College of Commerce, in Patna.

(ii) For issuance of an appropriate writ/order or direction to the respondents in regard of the Article 14 of the Constitution of India, may also be directed to



pay the above amount as well as contained in Annexure-7 for same post as part time Lecturer in same College.

(iii) For issuance of an appropriate writ/order or direction to the Respondents for any other consequential benefit/financial benefit to the petitioner in terms of revised pay scale from time to time also with interest.

(iv) For issuance of an appropriate writ/order or direction to the respondents as required at the time of hearing and may be other reliefs as sought of this judicature.”

The relief is being sought in the light of an earlier order of this Court dated 28.10.2010 passed in C.W.J.C. No. 1981 of 2010, which reads as under : -

“Petitioner was a part time Lecturer in the faculty of Law of Magadh University running in the campus of College of Commerce, Patna. He claimed arrears of salary since 1996. Upon direction to file a comprehensive counter affidavit, University accepted the claim of the petitioner and a cheque of Rs 4,98,800/-was issued in favour of the petitioner and handed over to the learned counsel for the petitioner in Court. Petitioner has now filed a reply to the counter affidavit stating that as substantial payment has been made, the only dispute that remains is with regard to the age of superannuation. He states that he had worked and was made to superannuate on 31.07.2003 on completion of 60 years of age but in the counter affidavit, it has been stated that he had superannuated on 28.02.2003. Thus, there is a difference of five months. Apart from this, petitioner



is satisfied with the payment as made. Petitioner has further claimed compensation by way of interest for this inordinate delay in payment.

Having heard the parties and considering the matter, firstly, in my view, as the delay in payment is not disputed, the amount due starts from the period, 1996. There was no fault of the petitioner. He was forced to come to this Court and only after the writ petition was filed, payments were made. That calls for compensation to be awarded.

Considering the erosion of money value over the years, in my view, compensation by way of interest at the rate of 12% per annum would be just and proper. University to ensure the payment of the said amount being 12% from the date payments were due till the date payment is made within two months of production of a copy of this order before the Finance Officer of the University. So far as the question of date of superannuation is concerned, petitioner would represent with whatever record he has to the Finance Officer of the University who would consider the same and pass a speaking order thereon after hearing the petitioner within three months from the date representation is filed. If it is found that any payment is due, that would be made to the petitioner within one month.

With these observations and directions, the writ petition stands disposed of.”

Two writ applications filed by two different persons were also disposed of by a common order dated 17.07.2014 passed in C.W.J.C. No. 14534 of 2011 and C.W.J.C. No. 7852 of 2012.



Considering the facts and circumstances, this application is also disposed of in terms of the said order dated 28.10.2010 passed in C.W.J.C. No. 1981 of 2010, with only deviation that the petitioner shall not be entitled to same rate of interest as granted in those cases, because the petitioner approached this Court belatedly in for payment of arrears of salary and instead the petitioner will be entitled to simple interest @ 8% on the said amount.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

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