

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.349 of 2021

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Bina Rai W/o Late Rameshwar Rai Yadav @ Late Rameshwar Rai Resident
of Mohalla- Madhuri Chowk Road No- 10, Ward No. 29, Bahadurpur
Samastipur, Police Station- Town, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Commissioner-cum-Secretary, Human Resources
Department (Higher Education), Govt. of Bihar, Patna
2. The Director, Higher Education, Government of Bihar, Patna
3. The Lalit Narayan Mithila University Kameshwar Nagar, Darbhanga
through its Registrar
4. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga
5. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga
6. The Principal Samastipur College, Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar, Advocate
For the Respondent/s	:	Mr. Priyadarshi Matri Sharan, AC to AAG-15
For the University	:	Mr. Nadeem Seraj, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 16-11-2021 Heard Mr. Ranjan Kumar, learned counsel for the

petitioner, Mr. Priyadarshi Matri Sharan, learned AC to AAG-15

for the State and Mr. Nadeem Seraj, learned counsel appearing

for the L.N. Mithila University.

The husband of the petitioner had filed the present
writ application claiming Deferred Dearness Allowance, Group
Insurance remaining amount of Earned Leave and DA with
HRA.

Learned counsel for the petitioner submits that the



husband of the petitioner had retired on 30.11.2009 as a Reader and during pendency of this writ application, other retiral dues of the petitioner has been paid. Further submission of the learned counsel is that similarly situated person had approached this Court in CWJC No. 17279 of 2018 and a co-ordinate Bench of this Court vide order dated 09.2.2021 has directed the University to pay the amount of Group Insurance with interest @ 12.5 per cent.

On the other hand, learned counsel for the L.N. Mithila University submits that Syndicate vide its earlier decision dated 22.9.2018 had taken a decision to pay 8% interest on the Group Insurance. However, the same has further been amended by the decision of Pay Committee dated 4.9.2021 to pay the Group Insurance on the Bank rate of interest. Learned counsel next submits that with regard to the DDA, the same shall be paid to the petitioner within one month with interest @ 9 per cent. In so far as GIC is concerned learned counsel submits that the same shall be paid to the petitioner after getting administrative approval from the concerned competent authority.

In reply, learned counsel for the petitioner submits that the majority of the employees who retired from the



University prior to 2018 have been paid interest @ 12.5 per cent on the Group Insurance.

I have heard learned counsel for the parties and have gone through the materials available on record carefully and the order passed by a co-ordinate Bench of this Court in CWJC No.17279 of 2018.

Upon considering the submission made by the parties, it is evident that the petitioner has retired on 30.11.2009 i.e. prior to the decision of the Syndicate regarding interest upon the Group Insurance @ 8 per cent and at Bank rate. As such, the petitioner cannot be denied interest @ 12.5% on the Group Insurance.

Accordingly, I direct the Respondent - L.N.Mithila University, to pay the DDA with interest @ 9% as well as Group Insurance to the petitioner with interest upon it @ 12.5 per cent within a period of three months from the date of receipt/production of a copy of this order.

With aforesaid observation and direction, this writ application stands disposed of.

(Anil Kumar Sinha, J)

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