

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7112 of 2017

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Shubh Chandra Thakur Son of late Maheshwar Thakur R/o Village -
Kharowa, P.S. - Jhanjharpur, District - Madhubani.

... .. Petitioner/s

Versus

1. The T. M. Bhagalpur University, Bhagalpur Through Its Registrar and Ors
2. The Vice-Chancellor, T.M. Bhagalpur University, Bhagalpur.
3. The Financial Advisor, T.M. Bhagalpur University, Bhagalpur.
4. The Registrar, T.M. Bhagalpur University, Bhagalpur.
5. The Finance Officer, T.M. Bhagalpur University, Bhagalpur.
6. The Head, P.G. Deptt., of Physics, T.M. Bhagalpur University, Bhagalpur.
7. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, New
8. The Director, Higher Education Department, Govt. of Bihar, Patna.
9. State Govt. Auditor posted in T.M. Bhagalpur University, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Purushottam Kumar Jha
For the Respondent/s	:	Mr.Madhaw Pd. Yadav-GP-23
		Mr. Rajendra Kumar Giri
		Ms. Rekha Prasad

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

31 05-08-2021 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the parties.

Mr. Purushottam Kumar Jha, learned counsel
appearing on behalf of the petitioner has submitted that the
petitioner has been advised to confine the relief sought for in the
present writ application to the petitioner's claim for payment
compound interest at the rate of 12.5% on group insurance



amount, payment of medical allowance and reasonable interest of delayed payment of post retiral dues.

It is the petitioner's specific case that till 2002 more than a sum of Rs. 16000/- was deposited by the petitioner in the group insurance account against which the petitioner has been paid only a sum of Rs. 37,744/- on 12.03.2018 after calculating interest thereon. The petitioner retired from the University in 2011.

There does not appear to be much dispute over entitlement of 12.5% compound interest on group insurance amount in the light of this Court's decision, including Division Bench order dated 11.01.2018 passed in LPA No. 1253 of 2016 (Tilka Manjhi Bhagalpur University and ors. vs. Dr. Shyam Sunder Acharia) (Annexure-18 to the rejoinder affidavit filed on behalf of the petitioner), which reads as under:-

“Delay of 231 days in preferring the appeal is condoned. I.A. No. 4903 of 2016 is allowed. Matter is thereafter taken up on merits.

Heard counsel for the appellant, the University as well as the private respondent.

The decision of the learned Single Judge on both the counts with regard to mode and manner of calculation



of earned leave as well as grant of interest on group insurance @ 12.5% compound is not required to be interfered with because the manner in which the enhanced number of days of earned leave has been calculated is per se erroneous and irrational. Therefore, the learned Single Judge has rightly rectified the said decision. So far as payment of interest on group insurance is concerned, it is based on a judicial decision, which is binding.

Appeal has no merit. It is dismissed.”

Considering the aforesaid, it is directed that let the University calculate the amount payable to the petitioner against group insurance amount with interest at the compound rate of 12.5%. The petitioner has suggested calculation by way of Annexure-9 to the rejoinder affidavit filed on his behalf. The respondent shall be required to consider the same while computing petitioner's entitlement.

It is made clear that the petitioner shall be entitled for interest up to the date of actual payment made against the said amount.

Mr. Purushottam Kumar Jha, learned counsel, has submitted with reference to an affidavit which has been filed by



the Vice-Chancellor of the University that admittedly payments have been made against various heads to the petitioner in 2018, though he retired in 2011 and, therefore, the petitioner is entitled for payment of interest thereon, for delayed payment.

Mrs. Rekha Prasad, learned counsel for the University, on the other hand, has submitted that the delay in making payment against various heads is justified because of the dispute which had arisen in respect of the petitioner's initial appointment and post which he claimed to be holding.

Be that as it may, considering the fact that the petitioner is retired in 2011 and payments have been made in 2018, it is deemed fit and proper to direct that let a sum of Rs. 50,000/- (Fifty thousand) be paid to the petitioner against the delayed payment of post retiral dues.

The University shall also consider payment of arrears of medical allowance to the petitioner, in accordance with law within the maximum period of two months.

All payments must be done within two months from the date of receipt/production of a copy of this order.

(Chakradhari Sharan Singh, J)

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