

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1705 of 2018

In

Civil Writ Jurisdiction Case No.6985 of 2017

Punam Devi wife of Late Uma Shankar Ojha Resident of near Vaishnavi Navjot Hospital, Near Dr. Pallavi Rai, Kalambag Road, P.S. Mushahari, District - Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Higher Education, Education Department, Government of Bihar, Patna.
4. Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur through the Registrar.
5. The Vice Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
6. The Registrar, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
7. The Finance Officer, Baba Saheb Bheem Rao Ambedkar Bihar University Muzaffarpur.
8. The Principal, R.B.B.M. College, Muzaffarpur, District - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kumar Singh, Advocate
For the Respondent/s : Mr.Ashutosh Ranjan Pandey- Aag15

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 04-11-2022



In the instant appeal, appellant has assailed the order of the learned Single Judge passed on CWJC No. 6985 of 2017 dated 18.05.2018. To the extent that learned Single Judge has failed to grant interest on belated settlement of retiral benefits. The respondents have not disputed that interest has been paid on belated settlement of retiral benefits. The appellant is legal heir of deceased employee of the University and employee died on 23.09.2015. His retiral benefits has not been settled within the time limit. It is stated to have been paid belatedly that during pendency of CWJC No. 6985 of 2017. Therefore, appellant is entitled to interest on belated settlement of retiral benefits.

In the light of Apex Court decision in the case of **Vijay L. Mehrotra vs. State of Uttar Pradesh and Ors.** reported in **2001 9 SCC 687**. In view of principle laid down by the Apex Court and in not extending interest on belated settlement by the learned Single Judge. The appellant has made out a *prima facie* case in respect of payment of interest on belated settlement of retiral benefits. The respondent/competent authority is hereby directed to calculate interest from 01.01.2016 till settlement of all retiral dues. If the interest amount is not paid within the period of three months from the date of receipt of this order. In that event,



the appellant is entitled to litigation cost and it has been quantified at Rs. 50,000/-

To the above extent order of the learned Single Judge is modified and LPA is allowed in part.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.11.2022
Transmission Date	N/A

