

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18585 of 2018

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Bhupendra Jha S/o Late Chitra Mohan Jha, Resident of Village-Prasad, Post Office Banki, P.S.-Madhepur, Distirct-Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The L,N, Mithila University, Kameshwarnagar, Darbhanga through the Vice Chancellor.
3. The Vice Chancellor, L.N. Mithila University, Kameshwar Nagar, Darbhanga.
4. The Registrar, L..N. Mithila University, Kameshwar Nagar, Darbhanga.
5. The Finance officer, L.N. Mithila University, Kameshwar Nagar, Darbhanga.
6. The Principal, H.P.S. College, Madhepur, Distirct-Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anju Jha, Adv.
For the LNMU : Ms. Binita Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

16 21-06-2022 Though the present writ petition was filed for grant of group insurance amount with compound interest @ 12.5 per cent per annum and for revising the pensionary benefits, taking into account the grant of benefits of first ACP, second ACP and MACP, but it appears from the third supplementary counter affidavit filed by the Respondent-University that pursuant to grant of the benefits of first ACP, second ACP and MACP, the University has calculated the arrears of salary with effect from 1.3.1989 to 30.6.2015, which



totals upto a sum of Rs. 16,47,951/- and after deduction, the same comes to a sum of Rs. 16,27,909/-. Apart from the said sum, it has also been indicated in paragraph no. 8 of the third supplementary counter affidavit that arrears of pension for the period 1.7.2015 to 31.3.2017, totals up to a sum of Rs. 7,26,897/-, out of which the due amount i.e. a sum of Rs. 6,61,932/- has also stood paid. It is thus submitted that all the arrears of pensionary benefits have now stood paid, which were required to be paid on account of grant of the benefits of first ACP, 2nd ACP & MACP, details whereof have been enumerated in the third supplementary counter affidavit filed by the Respondent-University.

As far as the issue of grant of 12.5 per cent interest on the group insurance amount is concerned, though the same is stated to be covered by a judgment dated 6.10.2021, rendered by a coordinate Bench of this Court, in the case of Devata Devi vs. The State of Bihar & Ors., however, it has been pointed out by the learned



counsel for the University that as many as five appeals have been preferred before the learned Division Bench of this Court, one of such appeal being LPA No. 138 of 2022 (Lalit Narayan Mithila University & Ors. vs. Ram Shankar Prasad Singh).

In such view of the matter, this Court grants liberty to the petitioner to approach the Respondent-University as soon as any decision is taken by the learned Division Bench of this Court in the aforesaid appeal in favour of the issue being raised by the petitioner with regard to grant of 12.5 per cent interest on the group insurance amount whereupon it will be incumbent upon the University to pay the same within a period of four weeks of the petitioner approaching the Respondent-University. However, it is indicated that in case, the issue under consideration is decided by the Appellate Bench against the pensioners and in favour of the University, the petitioner shall not be entitled to any additional benefit.

At this juncture, the learned counsel for



the petitioner submits that the petitioner be granted liberty to approach the Respondent-University in case of any subsisting grievance. Liberty, so sought, is granted.

At this stage, the learned counsel for the Respondent-University submits that the payments, which have been indicated in the third supplementary counter affidavit to be due and payable to the petitioner under the head of arrears of salary and pension shall be paid positively to the petitioner within a period of four weeks from today, if not already paid. It is directed accordingly. However, it is observed that in case, the aforesaid sums are not paid to the petitioner within a period of four weeks from today, the Principal of college in question and the Vice-Chancellor of the Respondent-University shall not draw their salary.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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