

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.577 of 2021

In
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.

... .. Appellant/s

Versus

1. The T.M. Bhagalpur University Bhagalpur, through its Registrar.
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.
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 Secretariat, Patna.
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 Appellant/s : Mr.Purushottam Kumar Jha, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 13-10-2022

In the instant Letters Patent Appeal, appellant has assailed the order of the learned single Judge dated 05.08.2021 passed in C.W.J.C. No. 7112 of 2017 only to the extent of ordering *lumpsum* a sum of Rs. 50,000/- in stead of ordering interest on belated settlement of retiral benefits.



2. Undisputed facts are that petitioner has attained age of superannuation and retired from service in the year 2011 whereas his retiral benefits has been settled in the year 2018 in that event appellant is entitled to interest on belated settlement of retiral benefits in stead of *lumpsum* a sum of Rs. 50,000/-.

3. Time and again Courts have held that belated settlement of retiral benefits warrants payment of interest. Payment of interest is required to be calculated three months after retirement if the retiral benefits is not settled. Therefore, the concerned authority- University is hereby directed to examine the exact date of retirement and thereafter calculate the interest after three months from the date of retirement till payment is made on a particular date in the year 2018 in the light of Apex Court's decision rendered in the case of ***Vijay L. Mehrotra Vs. State of U.P. & Ors.*** reported in ***(2001) 9 Supreme Court Cases 687*** (Para 2 to 4).

4. To the above effect para 3 of page 4 of the order of the learned single Judge dated 05.08.2021 passed in C.W.J.C. No. 7112 of 2017 is modified.

5. The concerned respondent-University is hereby directed to pay interest @ 6% *p.a.* on belated retiral benefits in stead of paying a lumpsum of Rs. 50,000/-.



6. Accordingly, the present L.P.A. stands disposed of while modifying the order of the learned single Judge to the above extent.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	20.10.2022
Transmission Date	

