

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.1717 of 2018**

**In**  
**Civil Writ Jurisdiction Case No.18016 of 2018**

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Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga through its Registrar. ... .. Appellant/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
  2. Dinesh Pathak Son of Late Khelanand Pathak, Resident of Village-Balia P.O. Umri, P.S.-Lakharur, District-Madhubani PIN-847403
  3. The L.N. Mithila University, Kameshwar Nagar, Darbhanga through its Vice Chancellor.
  4. The Vice Chancellor, L.N. Mithila University, Kameshwar Nagar, Darbhanga.
  5. The Finance Officer, L.N. Mithila University, Darbhanga.
  6. The Principal, H.P.S. College, Madhepur, District- Madhubani.
- ... .. Respondent/s

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**Appearance :**

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|----------------------|---|------------------------------------------------------------|
| For the Appellant/s  | : | Mr.Md.Nadim Seraj, Advocate<br>Mr.Shailesh Kumar, Advocate |
| For the Respondent/s | : | Mr.Ashutosh Ranjan Pandey, Advocate                        |
| For the State        | : | Mr.Shashi Shekhar Tiwary, AC to AAG15                      |

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

**Date : 03-10-2024**

The present L.P.A. is filed to recall portion of the order to the extent of (Para 2). Imposition of cost of Rs. 10,000/- on the then Registrar of the Appellant – University and was ordered solely on the ground that there was belated settlement of retiral benefits of the Respondent – Dinesh Pathak. Respondent- Dinesh Pathak attained the age of superannuation and retired from his service on 13.01.2016 whereas his retiral dues have



been settled only on 29.10.2018 and that too without interest.

2. Learned counsel for the appellant submitted that delay is on account of certain administrative difficulty insofar as certain transaction of business with the University and State Government. It is further submitted that in identical matter, Co-ordinate Bench waived off imposition of cost of Rs. 10,000/- from the Registrar in L.P.A No. 1715 of 2018. In that decision, we have noticed that interest at the rate of 9 % was awarded and date of retirement of Respondent - Raj Narayan Shah in L.P.A. No. 1715 of 2018 is not forthcoming. The normal tendency for settlement of an employee / officer in the State organization or State Government, the appointing authority was required to undertake exercise of preparation of pension papers three months in advance with reference to date of retirement. On the other hand, in the present case, Appellant - Lalit Narayan Mithila University have opened their eyes in settling the Respondent – Dinesh Pathak's retiral benefits only in the year 2018 and they have taken more than two years and few months from the date of his retirement. Resultantly, the present L.P.A. No. 1717 of 2018 stands dismissed.

3. At this stage, learned counsel for the appellant submitted on instruction that the then Registrar has already



attained the age of superannuation and retired from service. Therefore, it is not appropriate in asking him to pay cost imposed by the learned Single Judge. To that effect, we modify the order of the learned Single Judge insofar as imposition of cost of Rs. 10,000/- from the pocket of the then Registrar to that of Registrar / Appellant - Lalit Narayan Mithila University through the present Registrar on behalf of University, within a period of eight weeks from today. Cost shall be remitted in the Department of Apna Ghar, Department of Social Welfare, Government of Bihar, C-7, Rajbansi Nagar, Patna, Bihar – 800023 and in the Bihar Kishore Nyay Nidhi account. Account No. 35094613009, IFSC Code – SBIN0000153, State Bank of India instead of the Juvenile Justice Fund of the State Social Welfare Department, State of Bihar, since there is no A/C in the name of the Juvenile Justice Fund.

**(P. B. Bajanthri, J)**

**(Alok Kumar Pandey, J)**

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| AFR/NAFR          | NAFR        |
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