

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4002 of 2015

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Radha Krishna Sahai son of Late Shyam Sunder Sahai, Resident of Mohalla- Sipahi Tola, Madhubani, P.O. and P.S. Purnea, district- Purnea, the retired Head Clerk, Purnea Women's College, Purnea.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Higher Education, Department of Bihar , Patna.
4. The Vice Chancellor, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
5. The Registrar, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
6. The Finance Officer, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
7. The Principal, Purnea women's College, Purnea.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh

For the Respondent/s : Mr. Uma Shankar- Gp4

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 24-03-2015 Heard learned counsel for the parties.

It is quite strange for this Court to note that even when there is no dispute with regard to entitlement of post retirement benefit of the petitioner, who is a retired Head Clerk of Purnea Mahila College, Purnea and in fact has already been sanctioned and paid the arrears and current pension but his other retirement benefit, such as gratuity, leave encashment, provident fund etc. has not been paid as yet.

In view of the fact that the payment of pension has already



been authorized and made to the petitioner this Court does not understand the reason for non-payment of rest of the amount of retirement benefit and therefore, instead of keeping this writ application pending awaiting receipt of instruction and filing of the counter affidavit by the learned counsel for the University, this Court would deem it expedient in the ends of justice to direct the Registrar of B.N.Mandal University to ensure that whatever admitted retirement benefit of the petitioner is admissible and payable on the head of gratuity, leave encashment and provident fund as well as group insurance, if that has not been paid to the petitioner as yet, the same must be paid to the petitioner within a period of three months from the date of receipt of this order. The Registrar of the University shall also be under obligation to pass a reasoned order for denying any of the aforementioned post retirement benefit to the petitioner in case it is held by him that such an amount is not payable to the petitioner.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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