

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4168 of 2015

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Ram Nandan Sah son of Late Nabim Chandra Sah resident of Mohalla-Professor colony , Rambagh Purnea, Road No. 1, ward no. 32, Mahabir Mandir Path, P.S. K. Hat, District- Purnea.

.... Petitioner

Versus

1. The State of Bihar through Principal secretary, Human Resources Department Patna.
2. Vice - Chancellor , B.N. Mandal University, Madhepura, Bihar.
3. Finance Officer, B.N. Mandal University, Madhepura.
4. Registrsr, B.N. Mandal University, Madhepura.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Murli Dhar

For the Respondent/s : Mr. Gp31- Smt. Binita Singh

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 08-05-2015 Heard learned counsel for the parties.

Having regard to the following grievance of the petitioner in this writ application:

“(i) To direct the respondent to pay the gratuity of the petitioner.

(ii) to direct the respondent to pay the Earn Leave Encashment of the petitioner.

(iii) to direct the petitioner to pay the Arrear of different salary from 1996 to 2005.

(iv) to direct the respondent to pay the difference of salary on the basis of sixth pay scale from 1.1.2006 to 31.7.2008 including Ph.D. allowances.”

this Court having perused the counter affidavit filed by the University today and specially its paragraphs no. 5 to 9 reading as follows:



“5. That the petitioner was initially appointed as lecturer in Commerce at M.L.Arya College, Masba (Purnea) by the then College Management itself. He remained working also in D.S.College, Katihar and thereafter as Head of the Post Graduate Deptt. Of Commerce, B.N.Mandal University, Madhepura. He was promoted to the post of Reader w.e.f. 5.7.1986 under 10 years Time Bound Promotion statutes vide Notification memo no. 1352 dated 28.5.2005. He retired from service on 31.7.2008. On receipt of Information/ papers for fixation and payment of retirement benefits, his pension was fixed as in such other cases by the time and payment of monthly pension was started and continued as in such other cases, also by giving benefit of revision of pay etc. as admissible in such cases.

6. That with regard to the claim of the petitioner for payment of gratuity, made in Point No. 1(1) total such claim was found payable for Rs.10,00,000/- (ten lacs) the maximum limit admissible/ payable. Against such claim Rs.1,31,121/- was adjusted as employer's contribution to the CPF account of the petitioner. The rest Rs.8,68,879/- - (10,00,000 (-) 1,31,121 + Rs.8,68,879.00 has been released vide consolidated cheque No.626430 dated 7.5.2015 issued in favour of the petitioner and vide letter No. A/c P-883/15 dated 7.7.2015 for payment to the petitioner.

7. That the claim of the petitioner for payment of encashment of Earned Leave, made in point No. 1(ii) the same was calculated for 300 (three hundred days) the maximum limit admissible/ applicable and for Rs.6,64,220/- and has been released through above said

consolidated cheque no. 626430 dated 7.5.2015 in favour of the petitioner and vide above said letter No. A/c P-883/15 dated 7.5.2015 (Annexure A).

8. That connection with the claim of the petitioner for payment of arrear salary from 1996 to 2005 (i.e. 1.1.1996) to December, 2005) made in point No.1(iii) the residual such claim of arrear salary with the benefit of stage of pay of Rs.14,940/- in the scale revised w.e.f. 1.1.1996 (12800-18300) and on completion of five years of service as Reader, has been found payable for Rs.2,71,422/- which was/ is to be paid through the Colleges concerned as well as to the petitioner. For payment of such arrear Rs.1,61,134/- has been released to M.L.Arya College, Kasba (Purnea) through cheque no. 861651 dated 7.5.2015 and vide letter No. A/c 1167/15 dated 7.5.2015, Rs.49303/- through cheque no. 861652 dated 7.5.2015 to D.S.College, Katihar, vide letter no. A/c 1167/15 dated 7.5.2015 and Rs.60,985/- through cheque No. 861653 dated 7.5.2015 in favour of the petitioner for the period of working in the P.G.Deptt. of Commerce, B.N.Mandal University, Madhepura vide letter No.A/c 1168/15 dated 7.5.2015. Thus, total Rs.2,71,422/- (Rs.1,61,134 + Rs.49,303 + 60985 + 2,71,422/-) has already been released for payment to the petitioner, the residual entire claim of arrear of salary for the period from 1996 to 2005.

9. That with regard to the claim of the petitioner for payment of difference/ arrear of salary from 1.1.2006 to 31.7.2008, made in point No. 1(iv) such total residual claim was found payable for Rs.5,95,302/-. The said

amount too has already been released through cheque no. 861654 dated 7.5.2015 issued in favour of the petitioner and sent vide above said letter no. A/c 1168/15 dated 7.5.2015 (Annexure B series).”

would find that such payment has been now made to the petitioner.

That being so, this application has become infructuous and is accordingly disposed of.

(Mihir Kumar Jha, J)

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