

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2061 of 2013

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Dr. Mithilesh Kumar Singh, son of Late Sadhu Sharan Singh, Retired Reader,
Department of Mathematics, S.K.R. College, Barbigha, P.O. + P.S. - Barbigha,
District - Sheikhpura

.... Petitioner

Versus

1. The Tilka Manjhi Bhagalpur University, Bhagalpur through its Registrar
2. The Vice-Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur
3. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur
4. The Finance Officer, Tilka Manjhi Bhagalpur University, Bhagalpur
5. The State of Bihar through the Principal Secretary, Education Department,
Govt. of Bihar, Patna
6. The Director, Higher Education, Education Department, Government of Bihar,
Patna
7. The Principal, S.K.R. College, Barbigha Under T.M. Bhagalpur University,
Bhagalpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Respondent/s : Mr. S.D. SANJAY AAG12

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 08-12-2015

Heard learned counsel for the petitioner, University
and the State.

2. The petitioner retired as a Reader from Tilka
Manjhi Bhagalpur University, Bhagalpur (hereinafter referred to as
'TMB University') on 31.07.2009.

3. In this writ application, the petitioner has prayed
for his post-retiral benefits as well as arrears of salary, details of
which is mentioned in para 7 of the writ application.

4. The petitioner submits that the dues has been

calculated by the officials of the respondent University and the relevant extract has also been appended as Annexure-2 to this application.

5. A counter affidavit has been filed on behalf of the State, whereas counter affidavit and supplementary counter affidavit have been filed on behalf of the University. The details of payment made to the petitioner has been accounted in para 3 of the supplementary counter affidavit.

6. The petitioner submits that still a substantial portion of his retiral dues have not been paid. He further submits that he would be entitled to payment of enhanced gratuity up to Rs. 10,00,000/- (ten lacs) in view of Government Resolution No. 819 dated 23.09.2009 modified vide Government Resolution No. 774 dated 25.07.2013.

7. Learned counsel for the petitioner submits that the said resolution covered the case of the petitioner, who superannuated on 31.07.2009.

8. As the payment of dues is matter of accounting and calculation, the writ application is disposed of with liberty to the petitioner to approach respondent no.3 (Registrar, T.M.B. University) for payment of the dues. In case, such representation is filed, the respondent no.3 would proceed to dispose

of the same after a personal hearing to the petitioner or his assignee or attorney. After hearing the petitioner, if it is found that any further dues is admissible to him, the same would be paid promptly within a period of three months with statutory interest, which is admissible.

9. With the aforesaid observation, this application stands disposed of.

(Samarendra Pratap Singh, J.)

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