

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3182 of 2014

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1. Umesh Chandra Prasad S/O Late Jagat Kishore Singh, Resident of Juran Chhapra, Road No. - 2, Lane No.-4, P.O. + P.S. - Muzaffarpur, District - Muzaffarpur

2. Chandra Shekhar Choudhary S/O Late Subh Narayan Choudhary Resident of Ward No. - 3, Road No. - 2, Dumra, P.O. - Dumra, District - Sitamarhi

.... Petitioners

Versus

1. The B.R.A. Bihar University, through the Registrar of the University, Muzaffarpur

2. The Vice-Chancellor, the B.R.A. Bihar University, Muzaffarpur

3. The Registrar, the B.R.A. Bihar University, Muzaffarpur

4. The State of Bihar through the Principal Secretary, HRD Deptt. Govt. of Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad No.-1

For the Respondent/s : Mr. AC to SC-7

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

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5 27-01-2015 Heard learned counsel for the petitioners, learned AC to SC-7 as well as Sri Dhrub Mukherjee, learned counsel, who has appeared on behalf of Respondent/B.R.A. Bihar University.

Petitioner no.1, who retired as Reader with effect from 31.08.2008 from B.R.A. Bihar University and petitioner no.2, who retired as Reader with effect from 30.06.2009, have prayed for directing the Respondents to pay Rs.10 Lacs as gratuity in stead of Rs.3,50,000/- in view of Government Resolution dated 27.05.2013 as well as subsequent orders issued by B.R.A. Bihar University

and also in view of law laid down in number of cases by this Court.

Learned counsel for the Respondent/ B.R.A. Bihar University accepts that since the petitioners have retired after 01.04. 2007, petitioners claim appear to be genuine. However, he submits that though the petitioners were paid Rs.3,50,000/- and they may be entitled to get remaining amount, but said amount shall paid only after receipt of adequate fund from the State Government.

In view of facts and circumstances, the Court is of the opinion that writ petition can be disposed of with a direction to the Respondents to take all steps for making payment of remaining amount of gratuity to the petitioners within a period of three months from the date of receipt/production of a copy of this order. It goes without saying that immediately after receipt of fund, Respondent no.4 shall take all steps, so that remaining gratuity amount may be paid to the petitioners without unnecessary delay.

The writ petition stands disposed of.

(Rakesh Kumar, J)

NKS/-

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