

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3307 of 2014

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Chandrika Sah S/O Late Gaya Sah, Resident of Mohalla- Harnichak
(Mahuli Tola), P.O- Anisabad, P.S- Phulwarisharif, District-Patna-2

.... Petitioner

Versus

1. The Vice Chancellor, Magadh University, Bodh Gaya.
2. The Registrar, Magadh University, Bodh Gaya.
3. The Finance Officer, Magadh University, Bodh Gaya
4. The Auditor, Magadh University, Bodh Gaya.
5. The Principal, College of Commerce, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra

For the Respondent/s : Mr. Bipin Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

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2 29-01-2015 Heard learned counsel for the petitioner and Sri Bipin Kumar, learned counsel, who has appeared on behalf of the Respondents/Magadh University.

The petitioner, who retired on 29.02.2012 as typist from College of Commerce, Patna by filing the present writ petition, has prayed for directing the Respondents to grant following reliefs:

- (i) The amount of final claim of arrear 76444/- (Seventy Six thousand four hundred forty four only) rupees. As calculated/admitted by the University.
- (ii) The amount of old DDA from 1.3.1982 to Feb. 1990 amounting Rs.6493.00 (Rupees Six

thousand four hundred Ninety three only).

- (iii) The amount of Group Insurance Scheme.
- (iv) The amount of Gratuity.
- (v) And/or any other retiral benefits/relief admissible under the law along with 12 % interest on delay payment of University.

At the time of hearing of this petition, learned counsel for the petitioner accepts that the claim of the petitioner as mentioned in relief nos. (ii), (iii) and (iv) have already been settled. In respect of claim of leave encashment amount, he submits that the petitioner was entitled to get the benefit of 300 days. However he has been paid the benefit of only 239 days. In respect of arrear of pay, he submits that same has not been paid.

In stead of asking the learned counsel for the University to file counter affidavit, the Court is of the opinion that writ petition can be disposed of granting liberty to the petitioner to file a representation in respect of remaining claim before Respondent no.2/ Registrar of the Magadh University, Bodh Gaya within a period of six weeks from today. If such representation is filed within the aforesaid time, Respondent no.2 is required to examine the claim of the petitioner and if he considers the claim of the petitioner as genuine, he is required to pass consequential orders and make payment within two months

thereafter. Even in case of refusal, Respondent no.2 is required to pass a speaking order and communicate the same to the petitioner within the aforesaid time.

With above observation and direction, the writ petition stands disposed of.

(Rakesh Kumar, J)

NKS/-

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