

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8453 of 2010

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Gopaljee Jha S/O Late Ramswarup Jha R/O Village + P.O.- Uchhati, P.S.-
Biraul, Distt.- Darbhanga

.... Petitioner

Versus

1. The State Of Bihar
2. Principal Secretary Human Resources Department, Government Of Bihar, Patna
3. Vice Chancellor Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga
4. Registrar Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga
5. Principal, J.K. College Biraul, Darbhanga

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Satish Chandra Jha
Mr. Kumar Ravi Shankar
Mr. Pushpa Rani

For the Respondent/s : Mr. (Gp13)
Mr. A.B.Sinha

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

12 05-05-2015

Heard learned counsel for the parties.

This writ application, which has remained pending for almost five years, relates to payment of retirement benefit of the petitioner. During the pendency of this writ application the petitioner has now been paid his all other retirement benefit save and except that enhanced amount of gratuity from Rs.3.5 lacs to 10 lacs has not been paid.

Mr. A.B.Sinha, learned counsel for L.N.Mithila University (hereinafter referred to as 'the University'), having filed a supplementary counter affidavit has sought to explain that while



the petitioner was paid his retirement benefit on the revised pay of Rs.14,940/- and that his leave encashment as also the amount of group insurance has already been paid, the payment of enhanced amount of gratuity has not been paid to the petitioner alike many others retired employees of the University only on account of lack of fund. He explains that such fund has to be released by the State Government and once the fund would be made available the University shall make payment to the petitioner strictly in accordance with the date of retirement of the retired employees.

Mr. Satish Chandra Jha, learned counsel for the petitioner, does not dispute any of these facts but he has submitted that the University has not furnished any calculation in respect of payment of retirement benefit on different heads.

In the considered opinion of this Court there is no provision under the Universities Act or Statutes which requires the University to also give detail of accounts of payment. The University has to make payment as per admissibility and if the concerned retired person finds any shortage in payment, he can definitely raise such a grievance but then in the present case the scope of that event is ruled out because of the constant monitoring by this Court. From the supplementary counter affidavit it appears that whatever was being claimed by the petitioner in respect of

enhanced amount of pension due to pay fixation of the petitioner on a sum of Rs.14,940/- or interest on group insurance amount @ 12.5% per annum or the amount of leave encashment for the admissible year to the credit of the petitioner has already been made.

This Court, therefore, in the present case would only direct the University to ensure payment of enhanced amount of gratuity to the petitioner. This Court must make it clear that when such funds are made available a priority list being maintained for making such payment strictly as per the date of retirement payment to the petitioner of the enhanced amount of gratuity shall be made only when his turn comes as per his date of retirement.

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

(Mihir Kumar Jha, J)

surendra/-

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