

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3100 of 2015

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Dr. Janardan Prasad Roy, Son of Late Chandra Prasad Roy, resident of Paprour, P.S.-Barauni, District- Begusarai retired as University Professor from A.P.S.M. college Barauni.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Higher Education, Government of Bihar, Patna.
3. The Vice Chancellor, L.N.Mithila University, Darbhanga.
4. The Registrar, L.N. Mithila University, Darbhanga.
5. The Finance Officer, L.N. Mithila University, Darbhanga.
6. The Principal, A.P.S.M. College Barauni, District- Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

5 07-08-2015

Heard learned counsel for the parties.

The petitioner has moved the Court seeking a direction to the respondents to pay the remaining retiral dues.

The position as of now is that all retiral dues has been paid to the petitioner except arrears of pension on account of revision and interest on group insurance.

The stand in the counter affidavit of the University is that though the arrears of pension were paid uniformly to all ex-employees as per the installments released by the Government from time to time but the last installment of 45%+15% has been recently released.

As far as interest on G.I.C. is concerned, the stand of the University is that they shall pay only till the

amount became due cannot be sustained as it is the duty of the University to ensure that payment is made promptly. If the same is withheld, the liability to pay interest will naturally fasten on the University. Accordingly, the University is directed to pay the interest on the G.I.C. from the date it became due till the time of actual payment.

As far as the remaining 60% of the difference of pension is concerned, the stand is that though the Government has released the amount but with a rider that actual payment be made only after verification by the Pay Verification Cell of the State Government.

This Court is also unable to appreciate such stand or rider by the State Government in the present case when admittedly the petitioner having superannuated in the year 2003, after verification by the Auditor deputed by the State Government his emoluments were approved and then payment of other benefits were made. There cannot be re-verification every time at the whim of the State Government. Thus, in the facts of the present case, this Court holds that such re-verification by any Pay Verification Committee is not required since the Auditor sent by the State Government has already undertaken and completed the exercise.

Accordingly, the University/respondents are directed to pay both interest on the G.I.C. from the date it became due till the time of actual payment as well as 60% of

the dues of pension within three weeks from today. At this stage, learned counsel for the petitioner submits that the photocopy of the cheques brought on record have not been actually received by him. If that be so, the University shall ensure that fresh cheques are issued and payment made to the petitioner within the same period i.e., three weeks. For such purpose, the petitioner shall approach the Registrar of the University (respondent no. 4) after one week and give an undertaking that he has not received the cheques and that if the same are received by him lateron, he would not encash those cheques and return them to the University. Once such undertaking is given, fresh cheques may be issued in his name.

The order be complied with by the respondents no. 4 and 6, as the case may be. The petitioner shall appear before the concerned respondents within one week from today alongwith a copy of this order.

(Ahsanuddin Amanullah, J.)

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