

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 25783 of 2013

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Dr. Kapileshwar Thakur, Son of Late Ram Tanuk Thakur, Resident of Mohalla Adarsh Nagar Shivamandir Road No. 2, P.S. Samastipur (Mufassil), District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through Commissioner-cum-Secretary, Human Resource Department (Higher Education), Govt. of Bihar, Patna.
2. Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga through its Registrar.
3. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
4. The Finance Officer, L.N.M. University, Kameshwar Nagar, Darbhanga.
5. Principal, R.B.S. College Andaur Mohiuddin Nagar, Samastipur.

.... Respondent/s

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Appearance :

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

For the LNMU : Mrs. Binita Singh, Advocate.

(Respondents no. 2,3, 4)

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 10-12-2015

Heard learned counsel for the parties.

It appears that all admitted dues of the petitioner have been paid except for Leave Encashment and Group Insurance totaling Rs. 3,97,005/-, which according to learned counsel for the University, shall be paid within two weeks.

Learned counsel for the petitioner submits that from the Leave Encashment, 131 days salary has been deducted on account of strike period though according to him he had taken special classes during the summer vacation and other days.

Learned counsel for the University submits that the Courts in various decisions have held that for the strike period, just in a casual manner, on the certificate of the Principal that the concerned employee has taken class, payment cannot be

made. It has further been stipulated that for payment the employee has to satisfy the authorities that the special classes were duly notified and students attended the class along with the attendance register for such period and also upon verification that the person actually took the classes.

In view of the aforesaid, the writ petition stands disposed off with a direction to the respondents to make payment of Rs. 3,97,005/- to the petitioner within two weeks from today. The petitioner shall also be at liberty to produce documents/materials before the authorities concerned to satisfy that he had taken class pursuant to the classes being notified and students having attended and such fact is proved by the attendance register and also that the petitioner had actually taken classes. If a representation to this effect is filed within four weeks from today along with a copy of the order before the Registrar of Lalit Narayan Mithila University, Darbhanga, the officer shall look into it and pass a reasoned order within four weeks thereafter. The petitioner may further show to the authorities that the actual computation done by them is erroneous which shall also be considered. It goes without saying that payments remaining to be paid or already paid must include the statutory interest.

(Ahsanuddin Amanullah, J.)

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