

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5065 of 2015

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1. Dr. Abhinandan Yadav son of Late Bhuvaneshwari Prasad Yadav R/o- Azad Nagar , Ward No. -09, P.O. - Madhepura , P.S. - madhepura, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary H.R.D. , Govt. of Bihar, Patna.
2. The Deputy Secretary, H.R.D., Govt. of Bihar, Patna.
3. The Vice Chancellor, Bhupendra Narayan Mandal University , Laloo Nagar, Madhepura.
4. The Registrar, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
5. The Principal , Parvati Science College, Kirti Nagar, Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Prakash, adv.
Mr. Rajesh Kumar, adv.
For the University : Mr. Raju Giri, adv.
For the Respondent/s : Mr. Kaushal Kumar Jha- AAG14

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-05-2016

1. Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the University.

2. Admittedly, the petitioner is entitled to retrial dues, which have not been disputed by the University, but the ground of financial unavailability has been taken by the University as the State Government has not allotted the fund for the payment of pensionary benefit to the petitioner and other similarly situated persons.

3. The fact is that the State Government on the one side

comes with a figure of allotment of huge amount and on the other hand, the University makes a plea that the State Government allotted the amount with the specification to be utilized under the heading which has been mentioned in the letter. There should not be any deviation.

4. The petitioner cannot be allowed to be grinded in the dispute between the State Government and the University, the person who is entitled for the retiral dues would suffer the problem of non-payment. The University and the State Government would settle the dispute about the proper utilization of the fund allotted by the State Government in due course, but cannot deprive the petitioner of the amount, as it is the duty of the employer that the employee who has retired must be paid the retiral dues without unnecessary delay in the evening of his life.

5. In such view of the matter, this writ petition is disposed of with a direction to the Registrar of the respondent-University to examine the case of the petitioner and ensure the payment of admitted retiral dues within the period of three months from the date of receipt/production of a copy of this order. If the admitted retiral dues are not paid to the petitioner within the aforesaid period, the respondent-University would be obliged to pay simple interest at the

rate of 10% per annum upon the admitted unpaid dues to be calculated from the due date till the date of actual payment.

6. The amount of gratuity and leave encashment have not been paid to the petitioner and other teachers, the requisition for release of such fund has already been sent to the State, the concerned State authority should take steps for release of the admissible fund within a period of one month.

7. With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

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