

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3685 of 2016

Suresh Sharma, son of Late Banshi Sharma, Resident of Mahesh Nagar, P.O.-
Keshri Nagar, District- Patna

.... Petitioner

Versus

1. Magadh University through its Registrar, Bodh Gaya, Gaya
2. Vice Chancellor, Magadh University, Bodh Gaya, Gaya
3. Finance Officer, Magadh University, Bodh Gaya, Gaya
4. Principal, A.N. College, Boring Road, Patna
5. State of Bihar through its Principal Secretary, Education Department, Patna
Secretariat, Patna
6. Principal Secretary, Education Department, Patna Secretariat, Patna

.... Respondents

Appearance :

For the Petitioner : Mr. Amit Prakash, Advocate
For the University : Mr. Vipin Kumar, Advocate
For the State : Ms. Geeta Kumari, G.P. 28,
Mr. Pankaj Kumar Dubey, A.C. to G.P. 28

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 20-05-2016

Heard parties.

Through this writ application, the petitioner seeks *inter alia* following reliefs:-

“a. For the payment of balance amount of pension, gratuity and group insurance after due fixation of petitioner’s pay in the scale of 9300-34800 w.e.f. 01.01.2006 as all these retiral dues have been paid in the scale of 5000-8000 as fixed in the pay scale w.e.f. 01.01.1996 though it should have been paid in the pay scale of 5500-9000.

b. For the payment of partial leave encashment for the remaining 40 days and for payment of arrears of leave encashment inconsonance with the fixation of pay scale

w.e.f. 01.01.2006.

C. For arrears of claim of the petitioner of his salary to the tune of 1,46,525/-and the rest of the arrears to be calculated in terms of new fixation of pay scale.

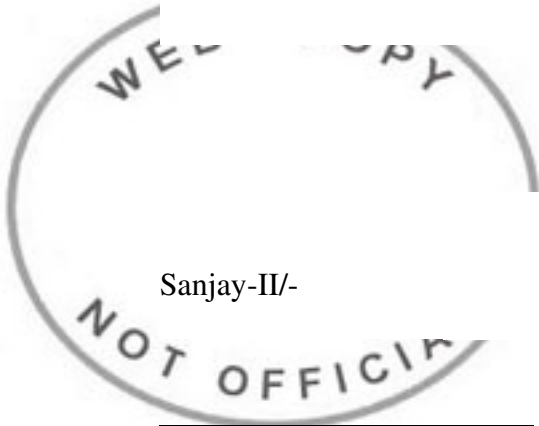
d. For the grant of ACP and modified ACP scale which the petitioner is entitled from 09.08.1999 and 01.01.2009 and its consequential benefit.

e. For any other relief (s) which she is found entitled to in the facts and circumstances of the case.”

It is contended on behalf of the petitioner that he retired from the post of Head Accountant from the A.N. College, Patna, a constituent unit of Magadh University. However, though he has been paid fixed enhanced scale but all the retiral dues have not been revised accordingly. He also submits that leave encashment for the 40 days has remained to be paid after fixation of pay scale with effect from 01.01.2006.

Accordingly, this writ application is being disposed of with a direction to the Registrar of the University to consider the claim of the petitioner raised in this writ petition and take a decision in accordance with law within a period of two months from the date of receipt/production of a copy of this order. If the petitioner's claim finds favour of the Registrar then necessary payment should be made within a period of one month thereafter. If the petitioner's claim is not found tenable then a reasoned order would be required to be

passed and communicated to the petitioner within the aforesaid period of two months.



Sanjay-II/-

(Dr. Ravi Ranjan, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.06.2016
Transmission Date	NA