

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14081 of 2015

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1. Darakhasha Nazam Quiser W/o Rahman Quiser Resident of Mohalla -
Mungeriganj, P.S. Begusarai, District - Begusarai, retired as Reader Subject
of Urdu, from S.K. Mahila College, Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. 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 S.K. Mahila College, Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate.
For the Respondent/s : Mr. Ajay Bihari Sinha, SC 19
Mr. Nadim Seraj, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 19-05-2016 Heard the parties.

In the present writ petition, petitioner has raised three
grievances: first for arrears of pension i.e. Rs.9,94,701, out of
that amount only 40% amount has been paid to him and rest
60% amount is required to be paid by the University.

Learned counsel for the University submits that
whenever the amount will be released by the State and when
others would be paid, the petitioner will also be paid the
aforesaid amount.

In such view of the matter, whenever the University
receives the amount and others are paid the University will

pay rest 60% of the aforesaid amount.

Second claim has been made that earned leave has wrongly been calculated. As per petitioner he is entitled for 143 days as per amended Rule by which ceiling has been enhanced up to 300 days, according to the amended Rule, earned leave will be calculated 12 days per year. . Instead of payment of 143 days earned leave the University has recovered amount of 43 days holding that excess payment has been made to the petitioner.

Learned counsel for the University submits that the action of the University cannot be faulted before introduction of 1998 Rule, it was quite different ceiling which changed after 1998, calculation as has been made by the University is correct.

Having considered this aspect, argument of learned counsel for the University is misconceived, reason is that law will be applicable with regard to retiral dues the day employee has superannuated not the Rule which was prevalent middle of service career.

In such view of the matter, wisdom of the University to calculate the earned leave in two parts is misconceived and illegal.

In such view of the matter the University should calculate the amount of earned leave in terms of the Rule which was applicable on the day of superannuation.

The third grievance that has been raised by the petitioner that he has superannuated in the year 2008 and payment of GIC has been made in 2014 and as such he is entitled to the interest of 12.5% up-to the date of payment but the University has paid interest up to 2001-2002.

In contra, learned counsel for the University submits that after 2002 group insurance has been attached with the L.I.C. In such view of the matter, the petitioner is only entitled for Rs. 21,996/-.

The petitioner has retired in 2008. The University has given 12.5% interest to certain persons up to the date of payment some employees have been deprived, selectively granted 12.5% interest up to the date of payment.

Learned counsel for the petitioner has drawn the attention of this Court towards clause 5 of the statute (Annexure-7).

In such view of the matter, University should adopt uniform policy, not a selective policy. In such view of the matter, the University is directed to pay the interest at the rate

of 12.5% up to the date of payment.

Learned counsel for the State, on the other hand, makes a statement that they have already sanctioned the amount.

In such view of the matter, petitioner is also entitled to the interest on group insurance up to the date of payment.

The University is directed to complete the whole process within a period of three months from the date of receipt/production of a copy of this order.

With the aforesaid observations/directions this writ petition is allowed.

(Shivaji Pandey, J)

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