

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16537 of 2015

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1. Bhagwanji Upadhyai Son of Late Bhriguashram Upadhyay
Resident of Professor Colony, Anand Nagar, Post Office +
Police Station + District - Siwan.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Vikash Bhawan, Patna.
3. Jai Prakash University, Chapra, through its Registrar, District - Chapra.
4. The Vice-Chancellor, Jai Prakash University, Chapra.
5. The Finance Officer, Jai Prakash University, Chapra.
6. B.R.A. Bihar University, Muzaffarpur through its Registrar, District - Chapra.
7. The Vice-Chancellor, B.R.A. Bihar University, Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Shubh Narain Singh
For B.R.A.B. University : Mr. Santosh Kumar Jha
For J. P. University : Mr. Mrigendra Kumar
For the State : Mr. Rakesh Prabhat, AC to SC 29

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 05-05-2016

Heard learned Counsel for the petitioner, learned Counsel appearing on behalf of Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur, learned Counsel for Jai Prakash University, Chapra, and learned Assistant Counsel to Standing Counsel No. 29 for the State of Bihar.

A counter affidavit has been filed on behalf of the respondent-Jai Prakash University, Chapra, stating, inter alia, that the petitioner is entitled for a sum of Rs. 10,00,000/-

as gratuity amount, Rs. 13,57,229/- against unutilized earned leave and a sum of Rs. 68,950/- against amount of Group Insurance. It has been stated that the statement to this effect has been sent to the State Government through communication, dated 14.01.2016, but the required amount has so far not been released by the State Government.

On the question of merger of 50 per cent of Dearness Relief in his basic pension, the University has taken a stand that it is not applicable in the case of the petitioner as such claim is applicable for teaching and non-teaching employees, who retired on or after 01.01.2005 and prior to 01.01.2006. Since the petitioner retired on 31.01.2015, he is not entitled for the said merger, the counter affidavit states.

It has further been stated that arrears of University Grant Commission revised pay scale for the period 31.01.2006 to 31.03.2010, amounting to Rs. 8,91,840/- has been paid to the petitioner, wherefrom certain amount has been deducted as Provident Fund deduction and Income Tax deduction and the net amount of Rs. 6,74,294/- has been paid to the petitioner.

Learned Counsel appearing on behalf of the petitioner has controverted the stand taken on behalf of the University to the effect that the petitioner is not entitled for merger of 50 per cent of Dearness Relief in the basic pension.

I do not find any legal infirmity in the stand taken on behalf of the University. The petitioner, admittedly, retired with effect from 31.01.2015 and, thus, he cannot claim merger of 50 per cent of Dearness Relief with his basic pension.

Considering the facts and circumstances, this writ application is disposed of with a direction to the Principal Secretary, Education Department, Government of Bihar, Patna, the Registrar, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur and the Registrar, Jai Prakash University, Chapra, to ensure that the entire admissible dues, as indicated in the counter affidavit, are paid to the petitioner within a period of three months from the date of receipt/production of a copy of this order.

The petitioner shall also be entitled for payment of compound interest at the rate of 12.5 per cent on the amount of Group Insurance within the aforesaid period of three months.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N. A.
Uploading Date	09.05.2016
Transmission Date	N. A.