

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16260 of 2015

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1. Shree Nath Ray Son of Lae Bhagwan Ray, resident of village- Sandha, P.O.- Sandha, P.S.- Chapra Muffasil, District- Saran, retired Sectional Officer, Jai Prakash University, Chapra

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department, Government of Bihar, New Secretariat, Patna
2. Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur, through its Registrar
3. The Vice Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur
4. The Registrar, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur
5. Jai Prakash University, Chapra through its Registrar
6. The Vice Chancellor, Jai Prakash University, Chapra
7. The Registrar, Jai Prakash University, Chapra

.... Respondents

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Appearance :

For the Petitioner : Mr. Mahesh Nr. Parbat, Sr. Adv.
Mr. Sanjay Kumar Jha, Advocate
For J. P. University : Mr. Mrigendra Kumar, Advocate
For B.R.A.B. University : Mr. Santosh Kumar Singh, Advocate
For the State : Mr. Sanjay Kumar Pandey, AC to GP 14

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 05-05-2016

Heard learned Senior Counsel appearing on behalf the petitioner, learned Counsel representing Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur, learned Counsel for Jai Prakash University, Chapra, and learned Assistant Counsel to Government Pleader No. 14 for the State of Bihar.



The petitioner retired as a Sectional Officer while working as a Clerk in Jai Prakash University, Chapra, on deputation from N. R. College, Amnour, with effect from 31.10.2011. Before Jai Prakash University, Chapra was carved out from Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur, the said N. R. College, Amnour, was a constituent unit of the said Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.

It is the grievance of the petitioner that the amount of gratuity and dearness allowance, in the revised scale of pay, have not been paid to him. Further, he is also entitled for payment of Group Insurance amount along with compound interest at the rate of 12.5 per cent per annum in the light of this Court's decision, in the case of **Prof. Surendra Bahadur Singh v. The State of Bihar**, reported in **2006 (4) PLJR 369**.

It is also his claim that he is entitled for interim relief for the period 01.01.1982 to 31.05.1983 and 01.03.1987 to 31.10.1992, arrears of difference of salary, Dearness Allowance, House Rent Allowance, Medical Allowance, for the period between 01.10.1980 and 31.10.1992 (till the said College was under Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur). It is his further claim that he is entitled for arrears of salary, Dearness

Allowance, interim relief, for the period 01.04.2007 to 31.10.2011, with respect to which claim has already been sent to the University after deducting adhoc payments.

Learned Counsel appearing on behalf of the Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur, has stated, on instructions, that a sum of Rs. 12,00,000/- has been released for payment to the petitioner against various heads to Jai Prakash University, Chapra, through cheque no. 272544, dated 15.02.2016, for the period during which the petitioner had worked under the said Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur. He has further submitted that if more funds are found to be required for payment, the same shall be made available by Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur, for the period during which he had worked under the said University.

Learned Counsel appearing on behalf of Jai Prakash University, Chapra, has submitted that the entire dues, as is found admissible by the University for payment to the petitioner, shall be cleared within a reasonable time.

Considering the submissions, as above, this application is disposed of with a direction to the Registrar, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur and the Registrar, Jai Prakash University, Chapra, to ensure that the entire dues, which are found admissible for

payment to the petitioner, are cleared within a period of three months from the date of receipt/production of a copy of this order before them.

Learned Senior Counsel has also submitted that the petitioner is entitled for payment of salary for the extended period of his service in Jai Prakash University, Chapra, i.e. from 01.02.2014 to 14.03.2014.

The Registrar, Jai Prakash University, Chapra, is directed to look into this aspect and take appropriate decision in this regard within the aforesaid period of three months.

Both the Registrars shall be obliged to furnish the petitioner the details of calculations of admissibility of the dues against various heads above mentioned at the time of making of such payments to the petitioner.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N. A.
Uploading Date	06.05.2016
Transmission Date	N. A.