

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12962 of 2014

Abhimanyu Kumar Singh, S/o Late Baijnath Singh, R/o Village- Beri,
P.S.- Salia, District- Aurangabad

.... Petitioner

Versus

1. The State of Bihar through its Secretary, Education Department,
Govt. of Bihar, Patna
2. The Principal Secretary, Education Department, Government of
Bihar, Patna
3. Bihar Hindi Granth Academy, Prem Chand Marg, Rajendra Nagar,
Patna
4. The Chairman, Bihar Hindi Granth Academy, Premchand Marg,
Rajendra Nagar, Patna
5. The Director, Bihar Hindi Granth Academy, Premchand Marg,
Rajendra Nagar, Patna
6. Accountant General, Bihar, Patna.

.... Respondents

Appearance :

For the Petitioner	:	Mr. Tej Bahadur Singh, Sr. Advocate Mr. Shashi Priya Pathak, Advocate
For the Respondent No.1&2	:	Mr. Sajid Salim Khan, SC-25
For the Respondent No.3&5	:	Mr. Shantanu Kumar, Advocate
For the Accountant General	:	Mr. Arun Kumar Arun, Advocate

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL JUDGMENT

Date: 08-09-2016

The petitioner superannuated from the Bihar Hindi Granth Academy and by this writ petition, has sought payment of Gratuity, Contributory Provident Fund, Leave Encashment and arrears of salary as per revision of salary consequent to 4th, 5th and also 6th Pay Revision.

A counter affidavit has been filed on behalf of respondent nos. 3 & 5 stating that as the post was non-



pensionable, there is no gratuity payable. So far as CPF is concerned, in the counter affidavit, it is submitted that about Rs. 1,70,000/- have been paid, leaving balance still to be paid. The counter affidavit is silent about Leave Encashment with regard to arrears of salary consequent to pay revision. In the counter affidavit itself, it is admitted that the Board has accepted up to 5th Pay Revision.

In my view, even that does not appear to have been paid to the petitioner which was his grievance remains both with regard to 4th, 5th Pay Revision as also the 6th Pay Revision which has now come, these issues have already been borne in by this Court in C.W.J.C. No. 12930/2010 and analogous cases (Chitranjan Murari Prasad Verma vs. The State of Bihar & others) decided on 06.03.2013, in relation to Bihar Hindi Granth Academy itself.

Therefore, I have no option but to direct the Director of the Bihar Hindi Granth Academy, who is none else than the Director, Higher Education, Government of Bihar, Patna, to ensure payment of gratuity and recalculation of his arrears of salary on the basis of 4th, 5th and 6th Pay Revision Commission. Calculation of Leave Encashment and consequential as well as arrears of Contributory Provident

Fund, all these have to be calculated and paid to the petitioner within a period of three months from today. The responsibility thereof would be on the Director, Higher Education, Government of Bihar, Patna.

I am cognizant of the fact that Letters Patent Appeals have been filed against the judgment, as noted above, but the judgment stands, but has neither been stayed nor overruled. Thus, the judgments have to be obeyed and implemented.

With these directions aforesaid, this writ petition stands disposed of.

So far as the other grievance with regard to arrears of salary for the period petitioner had worked on contractual basis is concerned, admittedly, having not been paid, they are required to be paid. The plea taken by the Bihar Hindi Granth Academy that, petitioner has not deposited about Rs. 11 lacs with regard to sell of books to Schools, Colleges and Universities is concerned, it is submitted that the Bihar Hindi Granth Academy itself is well aware that payments had to be made by the Schools, Universities and Colleges, and being seller directly to the Academy and not to the Academy of the petitioner nor was

petitioner responsible for collecting payment nor it is alleged that petitioner had collected payments and not deposited. In my view, these are sufficient to absolve the liability. So far as petitioner is concerned, the salary, thus, for the period he worked after retirement on contractual basis, is also to be paid, accordingly.

(Navaniti Prasad Singh, J.)

Rajeev/-

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