

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11416 of 2015

Suresh Prasad Singh S/o Late Brahmdeo Prasad Singh resident of Village - Manjhaul, P.S. Cheriyaiberiyarpur, District - Begusarai. retired as Associate Professor in the subject of Physics, R.C.S. College, Manjhaul, District - 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, Kameshwar Nagar, Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
6. The Principal, R.C.S. College, Manjhaul, District - Begusarai.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Adv.
For the State : Mr. Rajiv Roy, GP-5
Mr. Suresh Kumar, AC to GP-5
For the University : Md. Nadim Seraj, Adv.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 16-05-2016

Heard learned counsel for the petitioner and counsel for the State.

A very limited grievance has been raised by the petitioner that the petitioner has been paid the interest on G.I.C. up to 2001 whereas the actual payment has been paid in the year 2015 and he has been deprived of the interest for the period 2001 to September, 2015. It goes without saying that the interest is to be paid up to the date of actual payment. If the University has not paid the interest amount from 2001 to 2015, it is directed to pay interest for the period

from 2001 to 2015 (up to the date of payment). The Second grievance is that after 1996, in view of the change in law, the earned leave has to be calculated at the rate of 12 days per year and, according to him, it comes to 272 days and only 61 days has been calculated.

Learned counsel for the University submits that the petitioner is not entitled to the earned leave of 272 days on account of participation of the petitioner in the strike. In reply, learned counsel for the petitioner submits that the dispute of remaining in strike period has been settled on account of the fact that the petitioner had discharged duty during vacation period.

This Court is not giving any final opinion with regard to discharge of duty in the vacation period which the University has to make an enquiry and arrive to a finding with regard to the duty discharged by the petitioner. The earned leave is only given for the period worked by an employee. It is only a compensatory benefit given to a person when the person has discharged duty. If a person remains absent, he will not be entitled for any earned leave. Learned counsel for the petitioner then submits that other similarly situated persons have been given the benefit.

If that be so, let the University enquire into the matter. If other persons have been given the benefit, the same treatment should also be given to the petitioner.

Learned counsel for the petitioner has raised a grievance that there is no averment with regard to D.D.A. in the entire counter affidavit which has not been admitted by the University.

The University is directed to pay the D.D.A. to the petitioner without delay and preferably within a period of two months from the date of receipt/production of a copy of this order.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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