

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.862 of 2016

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Shaukat Hussain Bazmi son of Late Md. Shanisuzzaha, resident of Mohalla-
Balbhaderpur, P.S. Laheria Sarai, Dist- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary Higher Secondary Bihar, Patna.
2. Vice Chancellor, Lalit Narayan Mithila University Kameshwar Nagar, Darbhanga
3. Registrar, Lalit Narayan Mithila University Kameshwar Nagar, Darbhanga.
4. Finance Officer, Lalit Narayan Mithila University Kameshwar Nagar, Darbhanga.
5. Principal, Millat College, Darbhanga.

.... Respondents

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Appearance:

For the Petitioner : Mr. Rajendra Nath Sinha, Advocate
For the Respondents : Mr. Syed Arshad Alam, SC3

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 19-05-2016

Heard parties.

Petitioner claims to have retired from the post of Associate Professor on 30.09.2015 from Millat College, Laherisarai, a constituent unit of Lalit Narayan Mithila University, Darbhanga.

It is contended that part of Provident Fund amount and other post retiral dues have not been paid to the petitioner till date.

Learned counsel appearing for the University has submitted on instruction that for payment of majority of the dues against several heads a cheque for an amount of Rs.22,880,24/- has already been released by the University in favour of Millat College,

Laherisarai. So far the gratuity amount is concerned, it is submitted that the same has not been paid due to paucity of fund and letter is being written to the State authority for release of necessary fund.

It is intriguing as to why such letters were not written earlier and why such amounts were not shown in the budget submitted by the university to the State government on earlier occasion. This exercise should have been completed even before the retirement of the petitioner.

Be that as it may, since the retiral dues and benefits of employee cannot be withheld in such a manner, this writ application is being disposed of directing the university to ensure that the aforesaid amount which has already been sent to the college should be paid to the petitioner forthwith. I direct the respondent no.5, Principal, Millat College, Darbhanga to make payment of admissible amount of the petitioner immediately after due verification as necessary amount has already been sanctioned, released and sent by the university for the said purpose as has been informed by the learned counsel for the university. So far the other dues including gratuity are concerned which have not been paid to the petitioner, let the university calculate the same and make necessary payment within a period of six months. The aforesaid period is being given only for the reason that the stand of university is that letter has already been

sent to the State government for release of necessary fund. Accordingly, the State authorities are also directed to immediately take steps for release of necessary fund for payment of the retiral dues of the petitioner against the head of the gratuity within the aforesaid period so that such amount could be paid to the petitioner within a period of six months. If authorities failed to comply then they would be liable to pay simple interest @ 10% per annum on the unpaid admissible amount to the petitioner. It is made clear that if latches would be on the part of the government authority in releasing of necessary fund, then such interest would be liable to be paid by State authorities, however, if the latches would be on the part of the university, then the university would be required to pay that.

(Dr. Ravi Ranjan, J.)

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