

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15125 of 2015

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Gauri Shankar Singh, S/o Late Kedar Prasad Singh, Resident of Ward No. - 2, P.O.
+ P.S. - Birpur, District - Supaul.

.... Petitioner

Versus

1. The B.N. Mandal University through the Registrar of the University, Lalu Nagar, Madhepura.
2. The Vice-Chancellor, B.N. Mandal University, Lalu Nagar, Madhepura.
3. The Registrar, B.N. Mandal University, Lalu Nagar, Madhepura.
4. The State of Bihar through the Principal Secretary, HRD, Deptt. Govt. of Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad No.-1, Advocate

For the Respondent-State : Mr. Vinay Kirti Singh, GA-3

For the Respondent-University: Mr. Shashi Bhushan Singh, Advocate
Mr. Rajesh Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 07-02-2017

In the present writ application the petitioner has prayed for a direction to be issued to the respondents to pay all the retiral dues including arrear of pension, gratuity, leave encashment, etc. to the petitioner who retired as a Reader in the Department of Philosophy on 31st July, 2009 while working at L.N.M.S. College, Birpur, Supaul under the respondents.

2. The facts of the case are not in dispute. The petitioner was appointed as a Lecturer in the Department of Philosophy at L.N.M.S. College, Birpur, Supaul on 14th of August, 1970. He was promoted to the rank of Reader on 21st April, 1986 and retired on attaining the age of superannuation on 31st of July, 2009.



3. It is contended by the learned counsel for the petitioner that after retirement, a P.P.O. was issued to the petitioner for payment of pension and other retiral dues on 24.07.2015. He submitted that the other arrears of retiral dues payable to the petitioner, gratuity, leave encashment, etc. have also not been paid even after seven years of his retirement. He contended that the petitioner being sufficiently old is facing financial crisis due to non-payment of the retiral benefits by the university.

4. On the other hand, learned counsel for the University submitted that the pension of the petitioner has already been calculated with effect from 01.06.2010 and the same has already been authorized for payment to the petitioner. He submitted that the difference of pay arrear along with difference of gratuity has also been released for payment to the petitioner and the same has also been received by him. He submitted that other remaining post-retiral dues of the petitioner shall also be paid to the petitioner without any delay. He submitted that group insurance amount has also been calculated and paid to the petitioner long back in the year 2012 itself. He assured the Court that the remaining post-retiral dues, if any, shall be paid to the petitioner within four weeks from today.

5. Considering the undertaking made by the learned counsel for the University, the writ application is disposed of with the



following observations and directions:-

(a) The petitioner shall make a representation in detail raising his claim before the Registrar, B.N. Mandal University within two weeks from today.

(b) On receipt of the representation, the Registrar, B.N. Mandal University shall examine each and every claim of the petitioner and dispose of the same by passing a reasoned order within two weeks.

(c) In case any due is found admissible, the same shall be paid within two weeks from the date of disposal of the representation of the petitioner.

(d) In case of non-payment of the admitted amount within the aforesaid period, the University shall be liable to make payment of the amount with interest at the rate of 8% per annum from the date it became due till the date of its actual payment.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.02.2017
Transmission Date	NA

