

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2434 of 2016

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Surja Kumar Jha, S/o late Rajeswar Jha, Resident of Village & P.O- Dibra,
P.S.- Barhara kothi, District-Purnea, at Present residing at Siksha Nagar,
Banmankhi, P.S.- Banmankhi, District-Purnea.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Higher Education Department, Govt. of Bihar Patna.
4. B.N. Mandal University, through its Registrar, Madhepura.
5. The Vice Chancellor, B.N. Mandal University, Madhepura.
6. The Registrar, B.N. Mandal University, Madhepura, District Madhepura.
7. The Finance Officer, B.N. Mandal University Madhepura.
8. The Principal, G.L.M. College, Banmankhi (Purnea.)

.... Respondents

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Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Adv. Mr. Binod Kumar Jha, Adv. Mr. Bhairav Nand Sharma, Adv.
For B.N.M.U.	:	Mr. Raju Giri, Adv.
For the State	:	Ms. Shilpi Keshri, A.C. to A.A.G.-10.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 10-08-2017 Heard Mr. Sharda Nand Mishra, learned counsel

for the petitioner, Mr. Raju Giri, learned counsel for respondent

nos. 4 to 7 and Ms. Shilpi Keshri, learned A.C. to A.A.G.-10 for

respondent nos. 1 to 3.

The present writ application has been filed for

making payment of arrears of pension and current pension,

Gratuity, earned leave encashment, group insurance and other

dues along with 11% penal interest to be calculated from the



date, the same fell due till the date of actual payment.

It is submitted by learned counsel for the petitioner that the petitioner was initially appointed as Lecturer/Assistant Professor on 13.11.1971 and was posted in G.L.M. College, Banmankhi in the department of Physics by the governing body of that college. On 02.07.1975, the petitioner was confirmed against sanctioned post. The petitioner retired on 30.11.2013 from the post of Lecturer/Assistant Professor from G.L.M., College, Banmankhi.

Mr. Raju Giri, learned counsel appearing on behalf of respondent nos. 5 to 8 submits that the University is going to make payment of admitted dues, as stated in paragraph no.3 of the counter affidavit/supplementary counter affidavit within a period of two months. Paragraph no.3 of the counter affidavit reads as follows:-

a.	Arrear of Pension 01.12.2013 to 30.04.2017	9,51,646.00
b.	Gratuity	6,85,749.00
c.	Leave Encashment	9,83,364.00
d.	Arrears of Salary	2,71,422.00
	Total	28,92,181.00



It is further submitted that with regard to remaining claims of the petitioner, the University will pass a reasoned order within a period of two weeks thereafter.

Learned counsel for the petitioner submits that in reply to the said counter affidavit, the petitioner has stated his claim in paragraph no.3 of the reply to the counter affidavit, which reads as follows:-

“That Statement in para no.3 of the counter affidavit is denied, (i) so far as Gratuity should be paid as amount of Rs. 10,00,000 (Ten Lakhs) as per Finance department circular dated 23.09.09 instead of Rs. 6,85,789.”

It is submitted by learned A.C. to A.A.G.-10 that the respondent State will try to release the funds within a period of six weeks.

Learned counsel for the petitioner prays for disposal of the writ application in terms of the submission of the learned counsel appearing for respondent nos. 4 to 8 that the admitted dues will be paid by the University within a period of two months and for remaining claim, the University will pass a reasoned order.

Accordingly, the present writ application is



disposed of in aforesaid agreed terms of the parties, with a liberty to the petitioner to challenge the ultimate decision of the University in appropriate proceeding.

(Dinesh Kumar Singh, J)

Amrendra/-

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