

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4069 of 2017

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Girish Prasad Singh, Son of Late Bagish Prasad Singh @ Satish Prasad Singh, resident of Village- Jhahuri, P.O. Birsingpur, P.S.- Kalyanpur, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar through Commissioner-cum-Secretary Human Resources Department (Higher Education), Government of Bihar, Patna.
2. The Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga through it's Registrar.
3. The Vice-Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
4. The Finance Office, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
5. The Principal, Uma Pandey College Pusa, Samastipur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar, Advocate
For the Resp. No. 2 to 5: Mr. Nadim Seraj, Advocate
Mr. Shailesh Kumar, Advocate
For the State : Mr. Kameshwar Kumar -GP17

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 20-07-2017

Heard learned counsel for the
petitioner and learned counsel representing the
Lalit Narayan Mithila University, Kameshwar
Nagar, Darbhanga and learned counsel for the
State.

The petitioner has filed the instant writ
application for a direction to the respondents to
pay the amount of gratuity, amount of unutilized



leave encashment, the amount of G.I. etc.

Learned counsel for the petitioner has drawn my attention towards Annexure-1, which is PPO No. 3745 issued by the Pro-Vice Chancellor of Lalit Narayan Mithila University, Kameshwarnagar, Darbhanga, vide memo no. 2693/17 dated 20.02.2017, originally addressed to the Principal, U.P. College, Pusa, Samastipur. According to the petitioner, although there are some admitted dues, which get reflection in Annexure-1, but the authorities are not paying even the admitted dues to the petitioner. There is also an allegation that in the matter of disbursement the authorities are going by their own choice and no uniformity is maintained in the matter of post retiral dues.

At this stage, this Court is not going into the merit of the case and the allegation of discrimination, as made by the learned counsel for the petitioner, for a simple reason that as agreed the writ application may be disposed of at this stage with a direction to the respondents that



whatever admissible dues of the petitioner is there the same should be paid without there being any discrimination in the matter of payment. The reason given in Annexure-1 that the payment of gratuity shall be paid on availability of fund is not a bona fide and acceptable reason as has been held in several judicial pronouncement of this Court. It has been held that such plea of non-availability of fund cannot be a ground by a model employer/State to deny the retiral dues of an employee.

In the facts and circumstances of the case, this Court directs the respondents jointly and severally to ensure that an uniformity is maintained in the matter of payment of post retiral dues to the employees of the College and whatever admissible dues of the petitioner is found payable, the same should be paid within a period of eight (8) weeks from the date of receipt of a copy of this order. On receipt of the admissible dues, if the petitioner finds that he is not satisfied and feels that his claim has been



wrongly denied, he will have a right to submit a representation to the concerned respondent authorities in this regard who will consider the same and pass a reasoned order within next twelve (12) weeks thereon.

With this observations and directions, this writ application stands disposed of.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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