

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 15445 of 2017

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Ram Sundar Singh, S/o Late Munshi Singh, Resident of Village and Post- Nima
Chatarbhuj, P.S.- Rafiganj, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through Commissioner cum Secretary Human Resources Development (Higher Education) Department, Bihar, Patna.
2. Director, Higher Education, Bihar, Patna.
3. Vice Chancellor, Veer Kunwar Singh University, Arrah.
4. The Registrar, Veer Kunwar Singh University, Arrah.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey, Advocate
For the University : Ms. Archana Palkar Khopde, Advocate
For the State : Mr. J.K. Roy-1 (SC-13)
Mr. Hitesh Suman, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 27-08-2018

Heard learned counsel for the petitioner and Veer
Kunwar Singh University (hereinafter referred to as the
'University'). Nobody appears on behalf of the State.

2. The petitioner has moved the Court for the following
reliefs:

“(i) For issuance of an appropriate writ in the nature of Mandamus, commanding/directing the respondent authorities to fix the pension of the petitioner and also pay the commuted value of pension as per the last pay withdrawn by the petitioner.

(ii) For issuance of an appropriate writ in the nature of mandamus, commanding and directing the respondent authorities to pay the amount of gratuity with statutory as well as penal interest.

(iii) For issuance of an appropriate writ in the nature of mandamus, commanding and directing the respondents authority to pay the all retiral dues like General Provident Fund, Gratuity, Group Insurance and earn leave etc.



(iv) For issuance of writ in the nature of command directing the respondents authorities to give the benefit of the post of Demonstrator and also give the benefit of ACP as per the promoted post of Demonstrator and then fied the pension accordingly.

(v) For issuance of an appropriate writ in the nature of mandamus, commanding and directing the respondent authority to pay the penal interest @ rate of 12% on the aforesaid amount till the date of actual payment.

(vi) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which writ petitioner shall be deemed entitled in the facts and circumstances of the case.”

3. From the counter affidavit of the University, it transpires that the State has communicated to it under letter dated 14.07.2017 that 129 employees have been illegally appointed and, thus, direction is both for termination and stoppage of salary. The petitioner is one among those persons.

4. Having regard to the aforesaid, the Court can only observe that unless the order of the State Government declaring the appointments to be illegal is not interfered with, there cannot be any direction for payment of retiral/terminal dues.

5. In view thereof, the writ petition stands disposed off with liberty to the petitioner to move before the appropriate forum, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

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