

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1615 of 2017

=====

Lakshman Prasad Singh S/o Late Shiv Kumar Singh, R/o Village - Jodhauri, P.O. -
Amnour, P.S. - Marhowrah, Dist - Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner cum Secretary Department of Human Resources, Govt. of Bihar, Patna.
2. The B.R.A. Bihar University Muzaffarpur through its Registrar.
3. The Vice Chancellor, B.R.A. Bihar University, Muzaffarpur.
4. The Jai Prakash University Chapra through its Registrar.
5. The Vice Chancellor, J.P. University, Chapra.
6. The Principal, P.C. Vigyan College, Chapra.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 11-10-2018

Heard learned counsel for the petitioner; State; B.R.A.

Bihar University and J.P. University.

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

“ A. The respondents J.P. University may kindly be directed to ensure immediate payment towards :-

i. Rs. 68,366/- (Rs. 1,1,195-47829) towards Group Insurance amount.

ii. Differential arrear toward earned leave amount admissible due to revision of pay.

iii. Rs. 31,126/- (Rs. 99,058-67,932)



towards differential arrear payable in 1997 on account of 5th pay revision.

iv. Rs. 5,54,781/- towards differential of 5th pay revision admissible from April 2000 to July 2005.

B. The respondents Bihar University also may kindly be directed to ensure immediate payment of—

i. Differential arrear of pay & allowance admissible prior to October 1992 (i.e. before creation of the J.P. University Chapra) in view the Hon'ble Court's decision reported in 2000(3) PLJR 744.

ii. Deferred D.A. and Group Insurance amount with up to date statutory interest (while furnishing calculation chart to that effect) in view the Hon'ble Court's decision reported in 2006(4) PLJR 369 upheld up to Hon'ble Apex Court.”

3. From the pleadings on record, it appears that the admitted retiral dues of the petitioner have been paid. However, with regard to deferred D.A. and its arrear, the stand of the J.P. University is specific that no deferred D.A. is payable and thus, there is no question of arrears thereon.

4. From the pleadings, it appears that the petitioner had also claimed for payment of deferred D.A. and Group Insurance with up-to-date statutory interest.



5. In view of the records of the Universities indicating that no deferred D.A. is payable, the Court in its present jurisdiction cannot direct for any such payment as it is a matter of record and the University cannot be directed to go against the records available with it.

6. In view thereof, the writ petition stands disposed off with liberty to the petitioner to approach the appropriate forum, in accordance with law, with regard to his claim relating to deferred D.A. and interest thereon.

(Ahsanuddin Amanullah, J)

N.H./- Ranjeet

AFR/NAFR	
U	

