

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16297 of 2017

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Krishna Prasad Sah S/o late Sitaram Sah R/o Mohalla- Motibagh Karbala, P.S.
+P.O.- kishanganj, District- Kishanganj.

.... Petitioner/s

Versus

1. B. N. Mandal University , Laloo Nagar, Madhepura through its Vice Chancellor.
2. Vice Chencellor, B.N. Mandal University, laloo Nagar, Madhepura
3. Registrar, B.N. Mandal University, Laloo Nagar, Madhepura
4. Principal Marwari College, Kishanganj.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 02-04-2018

Heard learned counsel for the petitioner; State and B. N.

Mandal University (hereinafter referred to as the ‘University’).

2. It is admitted at the Bar that all admitted retiral dues of the petitioner have been paid.

3. However, learned counsel for the petitioner submitted that the amount paid is not the full admissible dues of the petitioner as less amount has been paid.

4. Having regard to the aforesaid, once the admitted dues have been paid, the Court would not go into the factual dispute which has to be settled between the parties before the appropriate forum.

5. In view thereof, the petitioner is at liberty to file representation before the respondent no. 3 pointing out the error in the calculation and the payment made to him. If such representation is



filed within four weeks from today, the same shall be considered and disposed off by the respondent no. 3 within three weeks from the date of its filing. If any further payment is required to be made to the petitioner, the same shall also be paid to him within three weeks from the date of passing of the order on his representation.

6. Learned counsel for the University submitted that Gratuity was enhanced by letter dated 05.01.2015 and, thus, payment has been delayed. However, with regard to Leave Encashment, there is no explanation.

7. Having regard to the aforesaid, in view of the law laid down in the case of **D. D. Tiwari v. Uttar Haryana Bijli Vitran Nigam Ltd.** reported as **(2014) 8 SCC 894**, the petitioner shall be entitled for 6% simple interest on Earned Leave from the date of his superannuation till the date of his payment and also on Gratuity from 05.01.2015 till the date of payment. The same be paid within four weeks from the date of receipt of a copy of this order by the respondent no. 3.

8. The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

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